

NOTICES OF FINAL RULEMAKING

The Administrative Procedure Act requires the publication of the final rules of the state's agencies. Final rules are those which have appeared in the *Register* first as proposed rules and have been through the formal rulemaking process including approval by the Governor's Regulatory Review Council or the Attorney General. The Secretary of State shall publish the notice along with the Preamble and the full text in the next available issue of the *Register* after the final rules have been submitted for filing and publication.

NOTICE OF FINAL RULEMAKING

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R06-13]

PREAMBLE

- 1. Sections Affected**

R4-23-402 R4-23-408	<u>Rulemaking Action</u> Amend Amend
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- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**

Authorizing statutes: A.R.S. § 32-1904(A)(1)
Implementing statutes: A.R.S. § 32-1904(A)(1)
- 3. The effective date of the rules:**

March 11, 2006
- 4. A list of all previous notices appearing in the *Register* addressing the final rule:**

Notice of Rulemaking Docket Opening: 11 A.A.R. 3128, August 12, 2005
Notice of Proposed Rulemaking: 11 A.A.R. 3547, September 23, 2005
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**

Name:	Dean Wright, Compliance Officer
Address:	Board of Pharmacy 4425 W. Olive Ave., Suite 140 Glendale, AZ 85302
Telephone:	(623) 463-2727, ext. 131
Fax:	(623) 934-0583
E-mail:	rxcop@cox.net
- 6. An explanation of the rule, including the agency's reason for initiating the rule:**

Section R4-23-402 (Pharmacist, Graduate Intern, and Pharmacy Intern) was amended effective August 6, 2005. The changes implemented when this rule was amended included a requirement that a pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist shall document both the circumstance and reason for not providing oral consultation. It was the Board's intent to allow a pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist to delegate the actual documentation to a pharmacy technician or pharmacy technician trainee under the pharmacist's supervision. During final approval by G.R.R.C., the G.R.R.C. staff recommended grammar changes that took out the language that allowed a pharmacist to delegate the documentation required when counseling does not occur. The amended rule adds language to allow a pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist to delegate the documentation of both the circumstance and reason for not providing oral consultation. The Board feels these changes are necessary to maintain the consistency of the amended rules with existing Board rules [see R3-23-402(A)] and allow pharmacists more flexibility and control in the use of technology, their personnel, and their own time. The Board determined that the rule should be further amended to clarify when and what documentation is required based on the usual circumstances encountered in a pharmacy. Language is added in subsection (H) to specify the documentation requirements.

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Several Arizona pharmacies are now using electronic imaging recordkeeping systems, and existing Board rules do not specifically address these systems. The Board determined that R4-23-408 (Computer Records) should be amended to include requirements for prescription records and retention, specifically addressing the issue of prescription imaging. A new subsection (H) is added to R4-23-408 detailing requirements for computer prescription records and retention and specifically the use of an electronic imaging recordkeeping system. The amended rules will include format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.

The Board believes that approval of these rules benefits the public and the pharmacy community by clearly establishing the standards for patient counseling provided by pharmacists and pharmacy interns and graduate interns under pharmacist supervision and the use of electronic imaging recordkeeping systems.

7. **A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**

None

8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**

Not applicable

9. **The summary of the economic, small business, and consumer impact:**

The amended rules will impact the Board, pharmacies, pharmacists, pharmacy interns, graduate interns, and the public. The amended rules' impact on the Board will be the usual rulemaking-related costs which are minimal. The Board estimates the amended rules will have minimal economic impact on pharmacies. The amended rules simply clarify the documentation requirements of the patient counseling in R4-23-402 and clearly establish standards for electronic imaging recordkeeping systems in R4-23-408. The amendments to R4-23-402 may reduce actual costs for pharmacies by only requiring documentation of the circumstance and reason for not counseling when the pharmacist chooses not to counsel and not when the patient refuses or someone other than the patient picks up the prescription. The amendments to R4-23-408 will not require the use of electronic imaging recordkeeping systems, but will merely establish minimum standards for the use of such systems. The amended rules have no economic impact on the public.

The public, Board, pharmacists, pharmacy interns, graduate interns, and pharmacies benefit from rules that are clear, concise, and understandable. The amended rules benefit the public and the pharmacy community by clearly establishing the standards for patient counseling provided by pharmacists and pharmacy interns and graduate interns under pharmacist supervision and the use of electronic imaging recordkeeping systems.

10. **A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):**

There are no substantial changes in the final rule from the proposed rule. Because the Board received several comments from pharmacies and pharmacists regarding the addition of subsection (I) in R4-23-402, which requires a pharmacist to personally hand out each new filled prescription whether or not counseling is provided, the Board chose to completely remove subsection (I) from the final rules. This change is not substantial because it does not provide additional safety. The purpose of the rule is to ensure that a pharmacist counsels a patient on new prescriptions. The effect of the rule, with or without the subsection (I), would be the same. There are minor changes to style, format, grammar, and punctuation requested by G.R.R.C. staff.

11. **A summary of the comments made regarding the rule and the agency response to them:**

A public hearing was held on October 24, 2005. Janet Elliott representing the Arizona Community Pharmacy Committee (ACPC) attended the public hearing. Ms. Elliott provided written comments and spoke in favor of the proposed rulemaking if subsection (I) of R4-23-402 is removed. The Board received another written comment from the National Association of Chain Drug Stores (NACDS). The NACDS also requested that subsection (I) of R4-23-402 be removed from the final rules. The NACDS and ACPS are very concerned that the requirement in subsection (I) would unnecessarily disrupt the pharmacist's workflow without providing any benefits. The board considered these comments and agreed that R4-23-402(I) is probably not necessary. The Board decided to remove subsection (I) from the final rules.

12. **Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:**

Not applicable

13. **Incorporations by reference and their location in the rules:**

None

14. **Was this rule previously made as an emergency rule?**

No.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section

- R4-23-402. Pharmacist, Graduate Intern, and Pharmacy Intern
R4-23-408. Computer Records

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-402. Pharmacist, Graduate Intern, and Pharmacy Intern

- A.** No change
1. No change
 2. No change
 3. No change
 - a. No change
 - b. No change
 4. No change
 5. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 6. No change
 7. No change
 8. No change
 9. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 10. No change
 11. No change
 12. No change
 13. No change
 - a. No change
 - b. No change
 - c. No change
 14. No change
 - a. No change
 - b. No change
 - c. No change
 15. No change
 - a. No change
 - b. No change
 - c. No change
 16. No change
 17. No change
- B.** No change
1. No change
 2. No change
 3. No change
- C.** No change

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1. No change
 2. No change
 3. No change
 4. No change
- D.** When, in the professional judgment of the pharmacist or graduate intern or pharmacy intern under the supervision of a pharmacist, or when circumstance precludes it, oral consultation may be omitted if the pharmacist, graduate intern, or pharmacy intern:
1. Personally provides written information to the patient or patient's care-giver that summarizes the information that would normally be orally communicated;
 2. Documents, or assumes responsibility to document, both the circumstance and reason for not providing oral consultation ~~is documented~~ by a method approved by the Board or its designee; and
 3. Offers the patient or patient's care-giver the opportunity to communicate with a pharmacist, graduate intern, or pharmacy intern at a later time and provides a method for the patient or patient's care-giver to contact a pharmacist, graduate intern, or pharmacy intern at the pharmacy.
- E.** No change
1. No change
 2. No change
 3. No change
 4. No change
- F.** Nothing in subsection (B) requires a pharmacist, graduate intern, or pharmacy intern to provide oral consultation if a patient or patient's care-giver refuses the consultation.
- G.** Using a method approved by the Board or its designee, a pharmacist, graduate intern, or pharmacy intern shall document, or assume responsibility to document, that oral consultation is or is not provided.
- H.** Oral consultation documentation. When oral consultation is required as specified in subsection (B), a pharmacist, graduate intern, or pharmacy intern shall:
1. Document, or assume responsibility to document, that oral consultation is ~~or is not~~ provided; ~~and~~ or
 2. When a patient refuses oral consultation or a person other than the patient or patient's care-giver picks up a prescription and oral consultation is not provided, document, or assume responsibility to document, that oral consultation is not provided; or
 3. If When a pharmacist, graduate intern, or pharmacy intern determines to omit oral consultation under subsection (D) and oral consultation is not provided, document, or assume responsibility to document, both the circumstance and reason that oral consultation is not provided.
- ~~G.~~I.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change
- ~~H.~~J.** No change
- ~~I.~~K.** No change
- ~~J.~~L.** No change

R4-23-408. Computer Records

- A.** No change
1. No change
 - a. No change
 - b. No change
 - c. No change
 - d. No change
 - e. No change
 2. No change
 3. No change
 4. No change
 5. No change
- B.** No change
1. No change
 2. No change
 3. No change
 4. No change
 5. No change

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- a. No change
- b. No change
- c. No change
- d. No change
- e. No change
- f. No change
- 6. No change
- C. No change
 - 1. No change
 - 2. No change
 - 3. No change
 - 4. No change
 - a. No change
 - i. No change
 - ii. No change
 - iii. No change
 - b. No change
 - i. No change
 - ii. No change
 - iii. No change
- D. No change
- E. No change
- F. No change
 - 1. No change
 - 2. No change
- G. No change
 - 1. No change
 - 2. No change
- H. Prescription records and retention.
 - 1. Except as specified in subsection (H)(2), a pharmacy permittee or pharmacist-in-charge shall ensure that each original prescription is:
 - a. Reduced to a hard copy if not received in written form, and
 - b. Filed for a period of not less than seven years from the date the prescription is last dispensed.
 - 2. In lieu of filing the actual original hard-copy prescription, a pharmacy permittee or pharmacist-in-charge may use an electronic imaging recordkeeping system, if:
 - a. The system is capable of capturing, storing, and reproducing the exact image of a prescription, including the reverse side of the prescription if necessary;
 - b. Any notes of clarification of and alterations to a prescription are directly associated with the electronic image of the prescription;
 - c. The prescription image and any associated notes of clarification to or alterations to a prescription are retained for a period not less than seven years from the date the prescription is last dispensed;
 - d. Policies and procedures for the use of an electronic imaging recordkeeping system are developed and implemented in the same manner as specified in subsection (A); and
 - e. The prescription is not for a schedule II controlled substance.

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TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

[R06-17]

PREAMBLE

1. **Sections Affected**
R4-23-411
- Rulemaking Action**
Amend
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 32-1904(A)(1)
Implementing statutes: A.R.S. § 32-1901(1), (23) and (69)
3. **The effective date of the rules:**
March 11, 2006
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 2037, May 27, 2005
Notice of Proposed Rulemaking: 11 A.A.R. 2792, July 29, 2005
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Dean Wright, Compliance Officer
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4425 W. Olive Ave., Suite 140
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Telephone: (623) 463-2727, ext. 131
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6. **An explanation of the rule, including the agency's reason for initiating the rule:**
During the March 16, 2005 Board meeting, the Board determined that several changes to R4-23-411 (Pharmacist-administered Immunizations) should be made as requested by the Arizona Pharmacy Alliance and interested pharmacists. The changes include the following: change pneumonia to pneumococcal, tetanus toxoid to tetanus booster, and add language to allow the administration of diphenhydramine during emergency situations. The changes in the vaccines are necessary because tetanus booster is used instead of tetanus toxoid and the proper term is pneumococcal instead of pneumonia. The addition of diphenhydramine is necessary because diphenhydramine is used more often than the epinephrine that is already in the rule. The American Pharmacists Association's Immunization Training Program which meets the Board's requirements already includes the proper use of both diphenhydramine and epinephrine. The Board feels these changes are a necessary clarification to ensure a clear, concise, and understandable rule for pharmacist-administered immunizations. The rule includes format, style, and grammar necessary to comply with the current rules of the Secretary of State and Governor's Regulatory Review Council.
The Board believes that approval of this rule benefits the public and the pharmacy community by clearly establishing standards for pharmacist-administered immunizations.
7. **A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:**
None
8. **A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:**
Not applicable
9. **The summary of the economic, small business, and consumer impact:**
The amended rule will impact the Board, pharmacists, pharmacies, and the public. The amended rule's impact on the Board will be the usual rulemaking-related costs which are minimal. The amended rule will have no economic impact on pharmacies or pharmacists. The amended rule will change for clarification the names of two vaccines that pharma-

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cists may administer and add diphenhydramine as a drug a pharmacist is allowed to administer in an emergency situation. The amended rule has no economic impact on the public.

The public, Board, pharmacists, and pharmacies benefit from rules that are clear, concise, and understandable. The amended rule benefits the public, the Board, and the pharmacy community by clearly establishing the standards for pharmacist-administered immunizations.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

There are no substantive changes in the final rule from the proposed rule. There are minor changes to style, format, grammar, and punctuation requested by G.R.R.C. staff.

11. A summary of the comments made regarding the rule and the agency response to them:

A public hearing was held on August 29, 2005. No one attended the public hearing, and the Board received no written comments regarding the rule.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 4. PROFESSIONS AND OCCUPATIONS

CHAPTER 23. BOARD OF PHARMACY

ARTICLE 4. PROFESSIONAL PRACTICES

Section

R4-23-411. Pharmacist-administered Immunizations

ARTICLE 4. PROFESSIONAL PRACTICES

R4-23-411. Pharmacist-administered Immunizations

- A.** Authority to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine. If a pharmacist meets the qualifications and standards specified by this Section and the Board certifies the pharmacist, the pharmacist may administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine to an eligible patient 18 years of age and older upon receipt of a valid prescription order. The Board shall certify a pharmacist who meets the qualifications established in subsection (B). A pharmacist who has authority to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall not delegate the authority to any other pharmacist or employee.
- B.** Qualifications for authorization to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine. After receipt of a completed application form, the Board shall issue a certificate authorizing the administration of hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine to a pharmacist who meets the following qualifications:
1. Has a current, unrestricted license to practice pharmacy in this state;
 2. Successfully completes a training program specified in subsection (C); and
 3. Has a current certificate in basic cardiopulmonary resuscitation.
- C.** Pharmacist-administered immunizations training program requirements. A training program for pharmacists to administer hepatitis, influenza, meningococcal, ~~pneumonia~~ pneumococcal, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall include the following courses of study:
1. Basic immunology and the human immune response;
 2. Mechanics of immunity, adverse effects, dose, and administration schedule of available vaccines;
 3. Response to an emergency situation as a result of the administration of an immunization, including administering epi-

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nephrine and diphenhydramine to counteract the adverse effects of an immunization given based on a patient-specific prescription order received for epinephrine and diphenhydramine before administering ~~of an~~ the immunization;

4. Administration of intramuscular injections;
5. Other immunization administration methods; and
6. Recordkeeping and reporting requirements specified in subsection (D).

D. Recordkeeping and reporting requirements.

1. In addition to filing the prescription order as required in A.R.S. § 32-1964, a pharmacist granted authorization under this Section to administer hepatitis, influenza, meningococcal, ~~pneumonia pneumococcal~~, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall provide to the pharmacy and the pharmacist-in-charge shall maintain in the pharmacy for a minimum of seven years the following documentation regarding each immunization administered:
 - a. The name, address, and date of birth of the patient;
 - b. The date of administration and site of injection;
 - c. The name, dose, manufacturer's lot number, and expiration date of the vaccine or, in an emergency, epinephrine or diphenhydramine;
 - d. The name and address of the patient's primary health care provider, as identified by the patient;
 - e. The name and address of the prescribing medical practitioner, if different from the patient's primary health care provider;
 - f. The name of the pharmacist administering the immunization;
 - g. A record of the pharmacist's consultation with ~~a~~ the patient determining that the patient is an eligible patient as defined in R4-23-110;
 - h. The date that the written report specified in subsection (D)(2) was sent to the patient's primary health care provider;
 - i. Consultation or other professional information provided to the patient by the pharmacist; and
 - j. The name of the vaccine information sheet provided to the patient.
2. The pharmacist shall provide a written report to the patient's primary health care provider ~~of containing the~~ documentation required in subsection (D)(1) within 14 days of the immunization. The pharmacy shall make the required records specified in ~~this subsection shall be~~ (D)(1) available in the pharmacy for inspection by the Board or its designee.

E. Confidentiality of records. ~~The records identified in subsection (D) that include specific patient information are confidential.~~ A pharmacist, pharmacy permittee, or pharmacist-in-charge shall comply with applicable state and federal privacy statutes and rules when releasing patient health information.

F. Renewal of a certificate for pharmacist-administered immunizations. A certificate authorizing a pharmacist to administer hepatitis, influenza, meningococcal, ~~pneumonia pneumococcal~~, smallpox, and tetanus ~~toxoid~~ booster immunizations and, in an emergency, epinephrine and diphenhydramine shall be renewed biennially by ~~November 1~~ submitting a renewal request within the 30 days before the certificate's expiration date. Any pharmacist desiring to renew the certificate shall provide to the Board proof of the following:

1. Current certification in basic cardiopulmonary resuscitation, and
2. Completion of a minimum of two contact hours (0.2 CEU) of continuing education related to immunizations. A pharmacist may use the continuing education hours required in this subsection as part of the total continuing education hours required for pharmacist license renewal.

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TITLE 9. HEALTH SERVICES

CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION

[R06-16]

PREAMBLE

1. Sections Affected

	<u>Rulemaking Action</u>
R9-8-701	New Section
R9-8-702	New Section
R9-8-703	New Section
R9-8-704	New Section
R9-8-705	New Section
R9-8-706	New Section
R9-8-707	New Section
R9-8-708	New Section
R9-8-709	New Section
R9-8-710	New Section
R9-8-711	Repeal
R9-8-711	New Section
R9-8-712	Repeal
R9-8-713	Repeal
R9-8-714	Repeal
R9-8-715	Repeal
R9-8-716	Repeal
R9-8-717	Repeal

2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statutes: A.R.S. §§ 36-104(1)(b)(i) and 36-136(A)(7) and (F)

Implementing statutes: A.R.S. §§ 36-136(H)(9) and 36-601

3. The effective date of the rules:

March 11, 2006

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 10 A.A.R. 2839, July 9, 2004

Notice of Proposed Rulemaking: 11 A.A.R. 2690, July 22, 2005

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Don Herrington, Office Chief

Address: Arizona Department of Health Services
Office of Environmental Health
150 N. 18th Ave., Suite 430
Phoenix, AZ 85007

Telephone: (602) 364-3142

Fax: (602) 364-3146

E-mail: herrind@azdhs.gov

Or

Name: Kathleen Phillips, Rules Administrator

Address: Arizona Department of Health Services
Office of Administrative Rules
1740 W. Adams, Suite 202
Phoenix, AZ 85007

Telephone: (602) 542-1264

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Fax: (602) 364-1150
E-mail: phillik@azdhs.gov

6. An explanation of the rule, including the agency's reason for initiating the rule:

In accordance with the five-year-review report for 9 A.A.C. 8, Article 7, approved by the Governor's Regulatory Review Council (Council) on August 6, 2002, the Arizona Department of Health Services (Department) has revised the school sanitation rules. The changes make the rules consistent with current statutes, correct outdated citations to related A.A.C. rules, make clear that the rules pertain only to public schools, and conform to rulemaking format and style requirements of the Council and the Office of the Secretary of State.

The Department is amending Article 7 so that the rules "prescribe minimum standards for sanitary conditions...in any public school" according to A.R.S. § 36-136(H)(9). Article 7 is being renamed "Public Schools" to reflect that the rules pertain only to public schools. The Article provides standards pertaining to water supply, sewage disposal, refuse management, pest control, animals in schools, inspections, cafeterias and food service, and restrooms, bathrooms and shower rooms.

The Department is also repealing R9-8-711 through R9-8-717, creating sections for definitions, indoor areas, pest control, animals in schools and inspections, and incorporating the subject matter from R9-8-711 through R9-8-717 into new sections R9-8-701 through R9-8-711. Additionally, the Department is improving section headings.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

The Department did not review or rely on any study related to this rulemaking package.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. A summary of the economic, small business, and consumer impact:

Annual costs or revenues are designated as minimal when less than \$1,000, moderate when between \$1,000 and \$10,000, and substantial when greater than \$10,000.

Cost Bearers

- The Department will bear moderate costs related to reviewing, writing, and directing the rules through the rule-making process. The Department will also bear moderate costs to provide annual school inspections for a county without a delegation agreement with the Department.
- Local health departments will bear minimal to substantial costs to perform inspections and enforce the rules, but may recoup some of these costs through fees charged to schools.
- School owners and operators, including the state, political subdivisions of the state, and businesses and small businesses that operate charter schools, will bear minimal to substantial costs to maintain sanitary conditions at public schools and to pay a fee that county health departments may charge them. They may also incur costs associated with collecting documentation of rabies immunizations for any dog, cat or ferret in a school.

Beneficiaries

- Businesses that provide sanitation and pest control products and services to schools will benefit from a minimal to substantial increase in revenues.
- School staff, students, and visitors will benefit from clean and sanitary facilities.
- Better school sanitation will improve Arizona's public health. This will result in substantial savings to the general public by reducing health care expenditures and the burden on the health care system.

The Department determined that the benefits to public health outweigh the costs associated with this rulemaking.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

In R9-8-701, four definitions were changed to make them more understandable. The definition for "Bottled water" (6) was clarified to refer to only A.A.C. R9-8-201, rather than 21 CFR 165.110(a)(1), which is incorporated by reference in A.A.C. R9-8-201. "Food establishment" (24) was defined in the rule, rather than by referencing the Food Code: 1999, as modified and incorporated by reference in R9-8-107. "Participant" (35), rather than "Participants" (34), was defined. "Valid complaint" (51) was changed to "Complaint" (13), with subsequent definitions renumbered, to clarify that the violation is alleged, not substantiated. In R9-8-704, subsection (A) was changed by moving the phrase "by staff or a student" from after, to before, the phrase "for personal consumption" to improve clarity. In subsection (B), both of the phrases "current license" in (1) and "current permit" in (2) were changed to read "current license or permit" to improve consistency. Subsection (B)(2), was further changed to add the phrase "required in subsection (B)(1)" to further clarify what license or permit the school needs to retain, and the phrase "Department or

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local health department” was deleted as redundant, since inspections are specified in R9-8-711. Minor technical and grammatical changes were also made at the suggestion of staff of the Council.

11. A summary of the comments made regarding the rule and the agency response to them:

Public Comment: A registered sanitarian from Maricopa County asked whether the temperature of “warm water” specified in R9-8-701(52) is sufficiently warm for hand washing.

Department’s response: The temperature of the water used for handwashing is not as important for disease prevention as the use of soap, the vigorous rubbing of the hands with the soapy water, and the length of time spent in handwashing. The temperature of the water affects the length of time that an individual will spend in washing hands, so water should be at a comfortable temperature to encourage longer handwashing. The definition of “warm water” specifies a range of temperatures generally considered to be comfortable for handwashing.

Public Comment: A registered sanitarian from Maricopa County asked for clarification of the provision in R9-8-702 (A), questioning whether it could be used to assure that schools were supplying adequate numbers of restrooms for the student population of a school, to conform with statutes, rules and local ordinances. In particular, the individual questioned whether a school that was built to accommodate 1,000 students, but has a student body of 2,000 students, could be cited under this provision.

Department’s response: Local jurisdictions issue an occupancy permit that specifies the limits of use of a facility. If a school has been built to accommodate 1,000 students and has a student body of 2,000 students, that school may have an inadequate number of restrooms, and may be in violation of its occupancy permit, but that determination is under the authority of the local jurisdiction, and is not covered under the authority of the Department to institute rules for school sanitation. The Department urged the individual to contact the local jurisdiction if he encounters such a situation.

Public Comment: A registered sanitarian from Maricopa County asked for clarification on whether a device known as a “water boy,” which can be transported onto a football field and used to supply water to students and staff, would be permitted under these rules.

Department’s response: The rules specify that any portable water container must be washed, rinsed and sanitized between uses. If this device can be washed, rinsed and sanitized between uses, then it is permitted under the rules.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 9. HEALTH SERVICES

**CHAPTER 8. DEPARTMENT OF HEALTH SERVICES
FOOD, RECREATIONAL, AND INSTITUTIONAL SANITATION**

ARTICLE 7. PUBLIC SCHOOLS

Section

R9-8-701.	Reserved <u>Definitions</u>
R9-8-702.	Reserved <u>General Provisions</u>
R9-8-703.	Reserved <u>Restroom, Bathroom, and Shower Room Requirements</u>
R9-8-704.	Reserved <u>Cafeterias and Food Service</u>
R9-8-705.	Reserved <u>Indoor Areas</u>
R9-8-706.	Reserved <u>Water Supply</u>
R9-8-707.	Reserved <u>Sewage Disposal</u>
R9-8-708.	Reserved <u>Refuse Management</u>
R9-8-709.	Reserved <u>Animal Standards</u>
R9-8-710.	Reserved <u>Pest Control</u>

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- R9-8-711. ~~Sanitation; general Inspections~~
- R9-8-712. ~~Water supply Repealed~~
- R9-8-713. ~~Sanitary facilities Repealed~~
- R9-8-714. ~~Showers Repealed~~
- R9-8-715. ~~Sewage disposal Repealed~~
- R9-8-716. ~~Garbage and refuse Repealed~~
- R9-8-717. ~~Food handling Repealed~~

ARTICLE 7. PUBLIC SCHOOLS

R9-8-701. Reserved Definitions

In this Article, unless otherwise specified:

1. "Ample water supply" means sufficient water quantity and water pressure to operate all of a school's drinking fountains, bathtubs, showers, lavatories, water closets, and urinals at all times from:
 - a. A public water system that complies with 18 A.A.C. 4; or
 - b. An underground water source that complies with 18 A.A.C. 11, Articles 4 and 5 or with A.R.S. § 45-811.01.
2. "Animal" means a mammal, bird, reptile, amphibian, fish or invertebrate, such as an insect, spider, worm, snail, clam, crab, or starfish.
3. "Aquifer" means the same as in A.R.S. § 49-201.
4. "Bathroom" means a restroom that contains a shower head or bathtub.
5. "Bathtub" means a receptacle, in which a user sits, with a faucet that supplies hot and cold water, or warm water, for filling the receptacle and a drain connected to a sanitary sewer.
6. "Bottled water" means the same as in R9-8-201.
7. "Bottled water cooler" means a device that is not connected to a plumbing system and provides a vertically falling stream of drinking water from a source approved by the Department under 9 A.A.C. 8, Article 2, or that complies with 18 A.A.C. 4; 18 A.A.C. 11, Articles 4 and 5, or A.R.S. § 45-811.01.
8. "Calendar year" means January 1 through December 31.
9. "Classroom" means an interior area of a school used primarily for instruction of students.
10. "Clean" means free of dirt or debris.
11. "Cold water" means water with a temperature from 33° F to 74° F.
12. "Common drinking cup" means a hand-held container not connected to a plumbing system that:
 - a. Holds liquid for human consumption.
 - b. Comes into contact with a user's mouth, and
 - c. Is used by more than one individual.
13. "Complaint" means information indicating the need for inspection due to possible violations of this Article.
14. "Constructed underground storage facility" means the same as in A.R.S. § 45-802.01.
15. "Debris" means litter or the remains of something that has been broken or torn into pieces.
16. "Department" means the Arizona Department of Health Services.
17. "Device" means a piece of equipment that performs a specific function.
18. "Drinking fountain" means a fixture connected to a plumbing system that provides a non-vertical stream of drinking water from an opening and drains into a sanitary sewer.
19. "Drinking water" means water for human consumption that meets the requirements of 18 A.A.C. 4, or 18 A.A.C. 11, Article 4.
20. "Dumpster" means a container designed for mechanical lifting and dumping by a refuse collection vehicle that transports the container's contents.
21. "Faucet" means a fixture connected to a plumbing system that provides and regulates the flow of drinking water from the plumbing system.
22. "Fixture" means a permanent attachment to a structure.
23. "Floor drain" means an opening in a floor surface that leads to a sanitary sewer.
24. "Food establishment" means an entity that stores, prepares, packages, serves, or otherwise provides food for human consumption directly to a consumer or indirectly through a delivery service.
25. "Habitat" means a place where an animal is kept while on school grounds.
26. "Hot water" means water with a temperature from 95° F to 120° F.
27. "Human consumption" means an individual's use of water for activities such as drinking, bathing, showering, hand-washing, cooking, dishwashing, laundering, cleaning, or using a water closet.
28. "Hydration" means the process of replacing fluids lost by a human body.
29. "Lavatory" means a sink or a basin with a faucet that supplies hot and cold water, or warm water, and with a drain connected to a sanitary sewer.

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30. "Local health department" means:
a. The administrative division of an Arizona county, city, or town that manages environmental and health-related issues; or
b. A public health services district under A.R.S. Title 48, Chapter 33.
31. "Managed underground storage facility" means the same as in A.R.S. § 45-802.01.
32. "Non-absorbent" means not capable of absorbing or soaking up liquids.
33. "Non-classroom" means an indoor area in a school, such as the school office, nurse's office, library, or cafeteria, that are not used primarily for instruction of students.
34. "Overflow rim" means the raised edge around a drinking fountain's basin.
35. "Participant" means:
a. A member of the staff or a student of a school, or
b. A member of the staff or a student from another school, when the individual is present on the grounds of the school specified in subsection (a) for a school-organized activity.
36. "Plumbing system" means fixtures, pipes, and related parts assembled to carry drinking water into a structure and carry sewage out of the structure.
37. "Portable water container" means any type of device, not connected to a plumbing system, provided by a school, such as a bottle, cup, pitcher, or insulated cylindrical cooler, in which drinking water is held or carried.
38. "Private school" means the same as in A.R.S. § 15-101.
39. "Public water system" means the same as in A.R.S. § 49-352.
40. "Refuse" means the same as in A.A.C. R18-13-302.
41. "Refuse container" means a portable receptacle used for refuse storage until the refuse is placed into a dumpster.
42. "Responsible person" means:
a. For an accommodation school defined in A.R.S. § 15-101, the county school superintendent with the powers and duties prescribed in A.R.S. Title 15, Chapter 3, Article 1;
b. For a charter school defined in A.R.S. § 15-101, the governing board defined in A.A.C. R7-2-1401;
c. For the Arizona State Schools for the Deaf and the Blind, the board of directors for the Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 2;
d. For a school operated by a school district, the school district's governing board defined in A.R.S. § 15-101.
43. "Restroom" means a structure or room that contains at least one lavatory and water closet or at least one lavatory, water closet, and urinal.
44. "Sanitary sewer" means the same as in A.R.S. § 45-101.
45. "Sanitize" means the same as in A.A.C. R9-5-101.
46. "School" means an institution offering instruction:
a. That is:
i. An accommodation school defined in A.R.S. § 15-101;
ii. The Arizona State Schools for the Deaf and the Blind established under A.R.S. Title 15, Chapter 11, Article 1;
iii. A charter school defined in A.R.S. § 15-101; or
iv. A school operated by a school district defined in A.R.S. § 15-101; and
b. That is not a private school.
47. "Sewage" means the same as in A.A.C. R18-13-1102.
48. "Shower head" means a fixture connected to a plumbing system that allows drinking water to fall on a user's body.
49. "Shower room" means a structure or room that contains at least one shower head and one floor drain, but does not contain a bathtub, lavatory, water closet, or urinal.
50. "Underground water source" means:
a. An aquifer.
b. A constructed underground storage facility, or
c. A managed underground storage facility.
51. "Urinal" means the same as in A.R.S. § 45-311.
52. "Warm water" means water with a temperature from 75° F to 94° F.
53. "Water closet" means the same as in A.R.S. § 45-311.
54. "Water cooler" means a fixture connected to a plumbing system for cooling water and dispensing a vertically falling stream of drinking water.

R9-8-702. ~~Reserved~~ General Provisions

- A.** A responsible person shall ensure that a school complies with the provisions of this Article and with federal and state statutes and rules and local ordinances governing subjects included in A.R.S. § 36-136(H)(9).
- B.** A violation of this Article is a public nuisance under A.R.S. § 36-601.

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R9-8-703. ~~Reserved~~ Restroom, Bathroom, and Shower Room Requirements

- A.** A responsible person shall ensure that a school provides restrooms or bathrooms that:
1. Are clean; and
 2. Have:
 - a. Floors of a non-absorbent material;
 - b. Floors that slope to a drain connected to a sanitary sewer;
 - c. Water closets with seats of the split or U-shaped type made of non-absorbent material;
 - d. Interior surfaces that are clean, washable, and free from gaps;
 - e. Toilet paper at all water closets; and
 - f. Soap and single-use paper towels or air hand dryers at all lavatories.
- B.** If a school provides a shower room, the responsible person shall ensure that the shower room:
1. Is clean;
 2. Does not have a school-provided cloth towel unless, after each use, the cloth towel is machine washed with detergent and machine dried; and
 3. Has:
 - a. Hot and cold, or warm water from all shower heads;
 - b. Floors of a non-absorbent material;
 - c. Floors that slope to a drain connected to a sanitary sewer; and
 - d. Interior surfaces that are clean, washable, and free of gaps.
- C.** A responsible person shall ensure that restrooms, bathrooms, and shower rooms are maintained to avoid odors.

R9-8-704. ~~Reserved~~ Cafeterias and Food Service

- A.** A responsible person for a school that stores, prepares, or serves food on the premises shall ensure that the school complies with 9 A.A.C. 8, Article 1, except when the food is brought to the school by staff or a student for personal consumption.
- B.** If a school contracts with a food establishment to prepare and deliver food to the school, the responsible person shall:
1. Ensure that the food establishment has a current license or permit issued under 9 A.A.C. 8, Article 1; and
 2. Retain a copy of the food establishment's current license or permit, required in subsection (B)(1), for inspection.

R9-8-705. ~~Reserved~~ Indoor Areas

- A responsible person shall ensure that:
1. Indoor classroom and non-classroom areas are clean; and
 2. If a classroom has a lavatory in it, the lavatory has soap and single-use paper towels or air hand dryers.

R9-8-706. ~~Reserved~~ Water Supply

- A.** A responsible person shall ensure that a school has an ample water supply.
- B.** A responsible person shall ensure that a school's drinking water is dispensed from:
1. A clean drinking fountain that:
 - a. Provides, from an opening, a stream of water that does not touch anything before reaching a user's mouth;
 - b. Has an opening that is higher than the overflow rim to prevent the opening's submersion; and
 - c. Has a device to prevent a user's mouth from touching the opening from which the water streams;
 2. A clean and sanitized water cooler;
 3. A clean and sanitized bottled water cooler;
 4. A clean and sanitized lavatory faucet; or
 5. A clean and sanitized portable water container.
- C.** If a portable water container or the bottle from a school's bottled water cooler is to be refilled, a responsible person shall ensure that the portable water container or the bottle is:
1. Washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1;
 2. Stored in a clean area; and
 3. Refilled with drinking water from any of the sources of drinking water specified in subsection (B).
- D.** A responsible person shall ensure that a school does not provide a common drinking cup unless the common drinking cup is washed, rinsed, and sanitized, as specified in 9 A.A.C. 8, Article 1, after each use.
- E.** A responsible person shall ensure that a school provides:
1. Drinking fountains, water coolers, or bottled water coolers according to Tables 1 and 2; and
 2. At least one drinking fountain, water cooler, or bottled water cooler on each floor of the school that contains a classroom, regardless of the number of students.

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Table 1. **Kindergarten to Eighth Grade**

<u>Number of Students</u>	<u>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*</u>
<u>1-50</u>	<u>1</u>
<u>51-100</u>	<u>2</u>
<u>101-150</u>	<u>3</u>
<u>151-200</u>	<u>4</u>
<u>201-250*</u>	<u>5</u>

* For each additional 1-50 students, another drinking fountain, water cooler, or bottled water cooler is required.

Table 2. **Ninth Grade to Twelfth Grade**

<u>Number of Students</u>	<u>Minimum Number of Drinking Fountains, Water Coolers, or Bottled Water Coolers*</u>
<u>1-100</u>	<u>1</u>
<u>101-200</u>	<u>2</u>
<u>201-300</u>	<u>3</u>
<u>301-400</u>	<u>4</u>
<u>401-500*</u>	<u>5</u>

* For each additional 1-100 students, another drinking fountain, water cooler, or bottled water cooler is required.

- E.** A responsible person shall ensure a school provides drinking water that is:
1. Accessible from the school grounds; and
 2. Sufficient to maintain the hydration of all participants at school-organized outdoor activities.

R9-8-707. Reserved Sewage Disposal

A responsible person shall ensure that a school's:

1. Water closets and urinals flush sewage to a sanitary sewer;
2. Lavatories, showers, bathtubs, and other plumbing fixtures drain sewage to a sanitary sewer; and
3. Sanitary sewer lines are maintained in accordance with the recommendations of the local health department.

R9-8-708. Reserved Refuse Management

A responsible person shall ensure that a school:

1. Stores refuse in durable, non-absorbent, and washable containers;
2. Provides:
 - a. Indoor refuse containers in each classroom and in each non-classroom area; and
 - b. Accessible outdoor refuse containers;
3. Maintains refuse containers so that refuse does not accumulate in school buildings or on school grounds; and
4. Disposes of refuse according to 18 A.A.C. 13, Article 3.

R9-8-709. Reserved Animal Standards

A. A responsible person shall ensure that an animal in a school:

1. Is kept in a habitat that:
 - a. Has water free of algae, insects, and particulate matter;
 - b. Is maintained to avoid odors from rotting food or excess animal wastes; and

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- c. Is not in the same room as food preparation areas, as specified in 9 A.A.C. 8, Article 1;
 2. May be removed from the animal's habitat at the direction of a teacher;
 3. When out of the animal's habitat, is under the control of a teacher or a student of the school, if the animal is:
 - a. A bird, reptile, amphibian, or invertebrate;
 - b. A large mammal, such as a horse, sheep, pig, goat, or cow;
 - c. A rabbit or hare; or
 - d. A rodent, such as a mouse, rat, hamster, guinea pig, or gerbil;
 4. Has a current immunization against rabies, if the animal is a dog, cat or ferret, as documented by:
 - a. A dog license issued by a state or county agency;
 - b. A rabies immunization certificate from a veterinarian licensed under 3 A.A.C. 11;
 - c. A receipt for veterinary services, showing the administration of a rabies vaccine; or
 - d. A written statement attesting to the current immunization of the animal against rabies; and
 5. Is not:
 - a. A non-human primate;
 - b. A deer mouse, or other wild mouse of the genus Peromyscus; and
 - c. A bat, skunk, raccoon, fox, wolf-hybrid or coyote, except when brought into a classroom for an educational display, as defined in R12-4-401, by a person who has complied with provisions in 12 A.A.C. 4, Article 4, obtained a permit or license issued by the Arizona Game and Fish Department, and is experienced in handling the animal.
 - B. A responsible person shall ensure that a room, in which an animal in a school is kept:
 1. Is free of animal waste, except in the habitat; and
 2. Has:
 - a. A lavatory with soap and single-use paper towels or air hand dryers; or
 - b. A product to sanitize the hands of an individual who touches an animal or its habitat.

R9-8-710. ~~Reserved Pest Control~~

A responsible person shall ensure that indoor classroom and non-classroom areas are kept free of insects and rodents, except when the insects or rodents are being kept as specified in R9-8-709 or are food for animals being kept as specified in R9-8-709.

R9-8-711. ~~Sanitation; general Inspections~~

- ~~A. Regulations in this Article shall apply to any public, private or parochial school.~~
 - ~~B. The yards shall be free of puddles and clean.~~
 - ~~C. The school building structurally shall have a watertight roof and interior walls of even cleanable surfaces.~~
 - ~~D. Ventilation, whether natural or artificial shall be non-noxious and controlled to prevent objectionable air currents on students.~~
 - ~~E. Cafeterias or lunchrooms shall have a minimum window area equal to 12 1/2% of the floor area.~~
- The Department shall inspect:
1. A school for compliance with this Article at least once each calendar year, and
 2. Areas of a school pertinent to the details of a complaint upon receipt of the complaint.

R9-8-712. ~~Water supply Repealed~~

- ~~A. Each school building shall be provided with an ample supply of water, preferably from an approved municipal or public water supply system. If such a system is not available, water from an underground source approved by the Department may be obtained. Such separate supplies must meet the requirements of Article 2 of this Chapter and school authorities shall be responsible for the submission of samples for bacteriological analysis to the Arizona Department of Health Services Laboratory. All pumps shall be maintained in good working order and an adequate supply of water shall be maintained. There shall be adequate pressure and quantity to operate all water supply fixtures efficiently at all times.~~
- ~~B. Drinking water shall be dispensed by means of:~~
 1. ~~An angle jet sanitary fountain with nozzle opening above overflow rim, and producing a water stream free of contact with fixtures; or~~
 2. ~~A sanitary cooler, of a type approved by the Department, and single service paper cups retained in a sanitary container.~~
- ~~C. The use of the common drinking cup and the vertical jet bubbler type fountain is prohibited.~~
- ~~D. The minimum number of drinking fountains shall be provided on the following basis:~~
 1. ~~Elementary grades -- one for each 50 students.~~
 2. ~~Junior and Senior high schools and colleges -- one for each 100 students.~~
 3. ~~A minimum of one fountain on each classroom floor.~~

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R9-8-713. Sanitary facilities Repealed

- A.** The minimum number of sanitary facilities shall be provided on the following basis:
Slop sink – One each story
(inc. basement)
- B.** Paper towels and soap shall be furnished in all lavatories. Common towels are prohibited. General toilet rooms should be ventilated by means of a forced air exhaust system.
- C.** Toilet paper shall be available at all times.
- D.** Lavatories with hot and cold or tempered running water are required and shall be located in toilet rooms or immediately adjacent thereto. On new construction or replacement, sanitary toilet seats of the split or U shaped type made of non-absorbent material shall be installed.
- E.** In rural schools, where handwashing facilities are not located in the toilet rooms, one lavatory shall be provided for each school room.
- F.** Toilet room floors shall be constructed of concrete or other water impervious material pitched to a suitably located trapped floor drain. In new construction the floor drains shall be connected by means of a separate line to the building sewer. If partitions are provided between flush bowls, they shall be raised at least 12" from the floor.

R9-8-714. Showers Repealed

- A.** When athletic or gymnastic activities are conducted in a school, showers shall be provided. There shall be one shower-head for each 6 users, based upon the maximum demand at any one period.
- B.** Shower and locker rooms, when provided, shall be constructed with concrete or other impervious floors pitched to a suitable trapped drain and the walls and ceilings shall be of smooth, easily washable material. These rooms shall be sufficiently well ventilated to prevent the accumulation of disagreeable odors and condensation upon interior surfaces. If lockers are provided, they shall be set on a solid base or raised 6" above the floor if open underneath. In all new construction lockers shall be set on a solid base.
- C.** If the bath towels are supplied by the school, they shall be for individual use only and shall be laundered before reissue.

R9-8-715. Sewage disposal Repealed

- A.** All liquid wastes from a school building shall be discharged into a public sewerage system when possible. When a public sewerage system is not available, liquid wastes shall be disposed of into a septic tank system approved by the Department as provided in Article 3 of this Chapter.
- B.** Privies shall not be approved except in extreme cases. Where used, they shall be of a standard type approved by the Department.
- C.** All plumbing shall comply with local regulation and the standards adopted by reference in R9-1-412(D).

R9-8-716. Garbage and refuse Repealed

- A.** Fly proof and water tight metal containers shall be provided for garbage. Garbage cans shall be emptied at least three times weekly, thoroughly washed, and never allowed to become foul smelling or a breeding place for flies.
- B.** Combustible rubbish shall be collected in metal covered containers and disposed of in a safe and sanitary manner.
- C.** Garbage and refuse shall be disposed of in a manner which creates neither a nuisance nor a menace to health and in conformance with the requirements of Article 4 of this Chapter.

R9-8-717. Food handling Repealed

R9-8 Article 1 of this Chapter is applicable to all schools where food is handled, stored or sold.

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TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

[R06-18]

PREAMBLE

1. Sections Affected

R12-4-101
R12-4-102
R12-4-103
R12-4-104
R12-4-105
R12-4-106
R12-4-107
R12-4-108
R12-4-110
R12-4-111
R12-4-112
R12-4-113
R12-4-114
R12-4-115
R12-4-116
R12-4-117
R12-4-119
R12-4-120
R12-4-121
R12-4-122
R12-4-123

Rulemaking Action

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2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):

Authorizing statute: A.R.S. § 17-231

Implementing statute: A.R.S. § 17-231(A)(1) for R12-4-101; A.R.S. §§ 17-333 and 17-345 for R12-4-102; A.R.S. § 17-332(C) for R12-4-103; A.R.S. § 17-331 for R12-4-104; A.R.S. §§ 17-332, 17-334, and 17-333(A)(40) for R12-4-105; A.R.S. § 41-1073 for R12-4-106; A.R.S. § 17-231(A) for R12-4-107; A.R.S. §§ 17-231(B)(2) and 17-245 for R12-4-108; A.R.S. § 17-304 for R12-4-110; A.R.S. § 17-331 for R12-4-111; A.R.S. § 17-332 for R12-4-112; A.R.S. § 17-239 for R12-4-113; A.R.S. §§ 17-231(A)(2), 17-331, and 17-333 for R12-4-114; A.R.S. §§ 17-231(A)(2) and 17-332 for R12-4-115; A.R.S. §§ 17-240(A) and 17-315 for R12-4-116; A.R.S. § 17-331 and Article 20, Paragraph 4 of the Arizona Constitution for R12-4-117; A.R.S. § 17-214 for R12-4-119; A.R.S. § 17-346 for R12-4-120; A.R.S. § 17-332 (D) for R12-4-121; A.R.S. § 17-240(A) for R12-4-122; and A.R.S. § 17-231(A)(7) for R12-4-123.

3. The effective date of the rules:

With the exception of the fee for the two-pole stamp, which will become effective on September 1, 2006, the rules will become effective on March 11, 2006. The Department is delaying the effectiveness of the fee change for the two-pole stamp so that it will only impact two-pole stamps sold for use beginning in 2007.

4. A list of all previous notices appearing in the Register addressing the final rule:

Notice of Rulemaking Docket Opening: 10 A.A.R. 1982, May 14, 2004

Notice of Public Meeting on Open Rulemaking Docket: 10 A.A.R. 4781, November 26, 2004

Second Notice of Rulemaking Docket Opening: 11 A.A.R. 2751, July 22, 2005

Notice of Proposed Rulemaking: 11 A.A.R. 3363, September 9, 2005

5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Carlos Ramirez, Rule Writer

Address: Arizona Game and Fish Department
2221 W. Greenway Rd. DORR
Phoenix, AZ 85023-4399

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Telephone: (602) 789-3288, ext. 206

Fax: (602) 789-3677

6. An explanation of the rule, including the agency's reason for initiating the rule:

The Arizona Game and Fish Department is amending its rules following the 2004 five-year rule review of A.A.C. Title 12, Chapter 4, Article 1, Definitions and General Provisions. The review, as required by A.R.S. § 41-1056, established a course of action to amend the rules according to Council standards. Subsequent review of these recommendations evaluated their efficacy in practice and enforcement, resulting in the rulemaking as it is submitted in this Notice. In addition to the amendments promulgated by the five-year review, the Department is also making revisions to address new issues that have arisen after the review was approved by the Council. The Department has also revised the rule language where necessary to make it consistent with the current Administrative Procedures Act requirements for rulemaking language and style. The Department will amend Article 1 rules as follows:

R12-4-101. Definitions

The Department is amending the definition of "crayfish net" to mean a net not to exceed 36 inches rather than 24. This is to make the definition consistent with industry standards. The Department will also add a new definition for "stamp" to encompass the different forms of Department-issued stamps, and to clarify their use for the general public. The Department will also add a definition for "antlerless" to clearly state that wildlife that does not have an antler, antlers, or any part thereof erupted through the skin are indeed considered antlerless. It is not always clear to the Department's regulated community what the term means when it is used in Commission Orders. The Department will also add a new definition for "designated" to mean the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed under a valid tag. Again, this is a term that is used in Commission Orders that is not always clear.

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

The Department will amend the rule to add the Class I, resident family fishing license, as authorized by A.R.S. § 17-333(A)(12), and the license dealer's outlet license, as authorized by A.R.S. § 17-333(A)(40). The Department also proposes to amend the "state waterfowl stamp," "state migratory bird stamp," "trout stamp," "two-pole stamp," and "Unit 12A (North Kaibab) Habitat Management Stamp" listed in the "Stamps and Special Permit Fees" section to clearly state what wildlife may be taken under the authorization of those stamps. In addition, the "Unit 12A (North Kaibab) Habitat Management Stamp" will be amended to refer to new rule R12-4-204, which prescribes procedures for use of the stamp. The Department will add the new rule R12-4-204 later this year. The fee for a "two-pole stamp" will also be raised from four dollars to five dollars, effective September 1, 2006. The Department increased the fees for licenses, tags, and stamps to their statutory maximum last year, but did not include the "two-pole stamp" at that time. The Department will also amend the names of licenses listed under "Other License Fees" that are authorized under Article 4 for consistency, as they will be amended in that Article later this year. In conjunction with the Article 4 rule revisions, the Department will also amend the fee for a white amur license. Although most licenses are held by businesses, there are a few that are held by private individuals. Because a white amur license expires every year, a license holder must apply and pay \$200.00 annually to continue to lawfully possess white amur. The Department does not believe that eliminating the renewal fee for private individuals will significantly impact Department revenues.

During the regular rulemaking phase following the submission of the five-year rule review, the Commission provided direction to the Department, as part of a conscious decision, to not make all of the amendments stated in the review. Therefore, the Department will not reduce the fees for a Class B, Four-month fishing license; a non-resident mountain lion tag; or a trout stamp.

R12-4-103. Duplicate Tags and Licenses

The Department will require that if an individual applies in person for a duplicate tag or license that the individual provide the length of residency if the individual is a resident. This is so that the Department's customer service representatives will be able to look up the applicant's eligibility more quickly, thus providing more efficient service. The Department will also amend the rule to make it consistent with proposed amendments to R12-4-112. The Department will add subsection (A)(7), which will allow an individual to apply for a duplicate permit-tag if the individual attests that the original permit-tag was placed on a harvested animal that was subsequently condemned, and the carcass and all parts thereof were surrendered to the Department as required under R12-4-112(B) and (C).

R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points

The Department is amending subsection (A) to allow four individuals to apply as a group for bighorn sheep bonus points. Under the current definition of “group” this is not allowed. The rule will also be amended to add a new subsection (B) that will clearly state the qualifications an individual must meet in order to apply for a hunt permit-tag or to purchase a bonus point. The new subsection states that a qualified applicant shall be at least 10 years old when the hunt they apply for starts; has completed a Department-approved hunter education course if under the age of 14 to apply for a tag; and does not have their hunting privileges suspended or revoked in this state or any state participating in the Wildlife Violator Compact at the time of application. The Department is making this amendment to address situations where it has seemed to become necessary. In the past, individuals have submitted applications for low-draw odds hunts on behalf of their infant children in the hopes that their application will be unsuccessful and they will earn a bonus point for that child; and by the time that the child is of age to hunt, that child will have better odds of being drawn for a hunt permit-tag. In the meantime, the applications made for those children are affecting draw odds for those hunts, and reducing the chances that a hunter who is of age will be drawn for a tag. The Department believes that this amendment will effectively prevent this from occurring. Additional criteria are being proposed under this subsection to clarify qualifications for applicants that are stated in statute, but not in rule. The Department is also preventing those who do not meet the proposed criteria from purchasing bonus points, because if they are not able to participate in the draw, there is no reason for them to participate in the bonus point system.

The Department is also amending subsection (C) to allow the Director to extend the application deadline for hunt permit-tags if problems occur that prevent the general public from submitting applications. In the past, the Department has had problems with its online application service, which has necessitated special action from the Commission to extend the application deadline date. This will allow the Department to resolve these issues, if they arise, without requiring direction from the Commission, and will allow the Department to resolve them more quickly.

The Department will also amend subsection (E)(1) to clearly require an applicant to provide their own contact and address information when applying for a big game hunt permit-tag. Some hunters are choosing to apply through agents who they authorize to enter the draw for them by proxy. If the hunter is drawn, the hunt permit-tag is sent to the agent who holds it for the successful hunter instead of the hunter. The Department believes the amendment will provide Department personnel with important information, such as the tag-holder’s contact information, in case the Department needs to make direct contact.

The Department is also amending subsection (M) to clearly state that taking the lifetime bag limit of one subspecies of sheep does not eliminate an individual from applying for the other subspecies.

The Department will amend subsection (Q) to state that the application fee for a hunt permit-tag application will be retained by the Department. The Department does this in order to recover the administrative cost of processing the application. Also, the Department is making an amendment to subsection (Q) to allow the Department to use an outside agent to mail hunt permit-tags to successful applicants if the Department decides to outsource this service to an external vendor sometime in the future. The Department will also amend subsection (R) to authorize the Department to take action if a Department error results in any of the following: 1) an individual submitting an invalid application for a hunt permit-tag, 2) an individual not being able to lawfully submit a valid application, 3) denial of a hunt permit-tag, or 4) an individual’s bonus points not being applied to an application.

R12-4-105. License Dealer’s License

The Department will amend the definitions listed in this rule for clarity and understandability. The Department is also amending the rule to delete subsections (B)(4) and (5), thereby removing the requirement that a license dealer outlet specialize in the sale of equipment for either hunting, fishing, or trapping; and removing the Department’s requirement to assess the need for a license dealer in a particular area. Associated amendments will be made in subsection (D)(8). The Department will also amend subsection (F) to clearly state that the Department shall provide license dealers with licenses to be made available to the public for sale, except for those dealers authorized to use their own license stock.

R12-4-106. Licensing Time-Frames

The Department will amend subsection (A) to add general information regarding issuance of licenses and licensing time-frames. This information is currently located in R12-4-409(A), but is being deleted and placed in this rule for clarity, conciseness, understandability, and appropriateness. Also, the Department is amending the rule to add “small game depredation permit” to the list of licenses and to delete the “tournament fishing license” for consistency. The small game depredation permit requires more than seven days to issue, and is not exempt from licensing time-frames under Title 41; and the authorizing statute to issue a tournament fishing license has been repealed. The Department is also amending the rule to change the names of licenses found in Article 4 as they will be amended in that Article. In addition, the Department is amending subsection (B) to change the dates when the Department will accept proposals for special big game tags. Currently, proposals are made from July 1 to September 30; the Department will amend the submission dates to March 1 to May 31 to extend the administrative review time-frame from five days to 10 days and

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to shorten the substantive review time-frame from 115 to 110 days. The overall time-frame will not change. The Department is making this amendment in consideration of the supporting wildlife organizations that make proposals for these tags.

In reviewing the implementation of the revisions stated in the five-year rule review, the Department has determined that it is not in its best interest to delete subsection (B) and move it to R12-4-120. The Department has determined that there is no benefit to making this amendment. Therefore, the Department will not amend the rule as stated in the five-year rule review.

R12-4-107. Bonus Point System

The Department will amend the rule to add bear, javelina, and turkey to the list of species for which bonus points will be issued. Customer request coupled with increased applications for bear and turkey have prompted the Department to issue bonus points for these species. The Department is also adding javelina in anticipation that it will become more difficult to receive permit-tags for the species as applications and customer demand increase. The Department will also amend the rule to clearly state that an individual may still qualify and receive a loyalty bonus point if that individual submits an application at least once a year for the draw for a particular genus species or purchases a bonus point for a particular genus species within the required five-year period.

The Department is not making all of the amendments stated in the five-year rule review report, because any amendment prescribed in the report that is not contained in this Notice has already been made in a previous rulemaking.

R12-4-108. Game Management Units

The Department is amending the rule in general to remove outdated information and clarify the boundaries for game management units (GMU's). The Department is also amending the numbers of GMU's that encompass urbanized or otherwise densely populated areas to increase understanding among hunters. Certain GMU's are labeled with an "M" to designate them as metro units; special restrictions apply to those units because they are so close to towns and cities. However, some of those units have the same number as general hunt GMU's, for example Unit 7 and Unit 7M. Some hunters have been confused by this and have unwittingly conducted unlawful activities in a metro unit. Therefore, the Department proposes to amend metro GMU's to number them differently from any other GMU's to eliminate the confusion and promote public safety. Also, the Department is proposing a new GMU, 47M, which will encompass the metro Phoenix area, to increase the effectiveness of prescribed regulations and law enforcement. Currently, the metro Phoenix area is split between two GMU's, which makes it difficult to regulate hunting activities around Phoenix without impacting areas that do not require regulation.

R12-4-110. Posting and Access to State Land

The Department will amend the definitions used in this rule to make them more clear and understandable, and to coordinate them with the definitions used by the State Land Department. This will ensure equal and uniform enforcement of regulations on the use of state land. The Department will also amend subsection (F) to allow a state land lessee to file an objection to state land closures within 30 days after receipt of notice, rather than within 15 days. Because objections are handled by the State Land Department, the Game and Fish Commission is amending the rule to make it consistent with the submission requirements prescribed by the State Land Department. The Department is also making an amendment to subsection (K) to require that if an individual opens a gate on state land while exercising their hunting, fishing, or trapping privileges, then that individual shall also close the gate. This is in response to state land lessees who have had problems in the past with hunters, fishers, and trappers who have entered state land and left gates open, which can result in lost livestock.

The Department will not amend the rule as stated in the five-year review report to prohibit trapping on state land. Trapping is a lawful activity, and is not prohibited by state law, though it is regulated.

R12-4-111. Identification Number

The Department will amend the rule to make it consistent with current APA guidelines that dictate language, grammar, and style.

R12-4-112. ~~Diseased, or injured wildlife~~ Injured, or Chemically Immobilized Wildlife

The Department will amend subsection (A) to authorize designated Department employees to condemn the carcasses of lawfully taken and possessed wildlife that have been chemically immobilized if requested by the individual that lawfully took the wildlife. The Department's objective is to provide people that unknowingly harvest an animal that had been recently tranquilized an opportunity to harvest another animal.

R12-4-113. Small Game Depredation Permit

The Department proposes to amend the rule as stated in the five-year rule review. The Department proposes to amend subsection (A) to replace “cropping” with the more accurate and inclusive “taking.” The Department will also delete the outdated reference to R12-4-309 in subsection (C). That rule has been repealed. The Department will also make the rule consistent with Department rules and terms, and current APA guidelines that dictate language, grammar, and style.

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

The Department will amend subsection (C)(2)(a) to make it consistent with amendments in R12-4-107 and to clearly state the species for which bonus points will be issued. The Department is also amending the subsection to issue 20% of all hunt permit-tags for buffalo and bighorn sheep to bonus point holders instead of issuing 20% in each hunt number. Some hunt numbers for buffalo or bighorn sheep do not have 20% available to be reserved for bonus point holders; some have only two to four tags. By taking 20% from all tags available to be issued, the Department increases the number of tags that can be issued to bonus point holders.

The Department is also amending subsections (D) and (E) to impose limits on the number of hunt permit-tags available to nonresidents for bull elk, antlered deer, antelope, javelina, turkey, bighorn sheep and buffalo. The Commission previously amended this rule to remove any such cap or quota on certain elk and deer permit-tags in response to a court decision in *Montoya v. Shroufe* that held that the regulations were unconstitutional in violation of the dormant Commerce Clause. The rule will re-instate these caps; add new caps to include all antlered deer, javelina, turkey, and antelope; and prescribe a number of tags to be made available to nonresidents if there are not enough tags in the hunt from which to take a percent cap.

Since the decision in *Montoya v. Shroufe*, Congress has enacted the Reaffirmation of State Regulation of Resident and Nonresident Hunting and Fishing Act of 2005, which removed any barrier under the Commerce Clause to any state hunting regulation that differentiates between residents and nonresidents. The Act expressly recognizes that States may continue to impose limits on the number of hunting permits available to nonresidents. The Act is consistent with the power of Congress under the Commerce Clause to authorize States to regulate in a manner that would otherwise be prohibited under the dormant Commerce Clause. See *Prudential Ins. Co. v. Benjamin*, 328 U.S. 408, 434-36 (1946). The dormant Commerce Clause is a restriction on States enacting laws that impose substantial burdens on commerce when Congress has remained silent. Here, Congress has ended its silence by renouncing its interest under the Commerce Clause, and thereby removing any Commerce Clause barrier to these types of regulations.

With the Commerce Clause removed as a constitutional limitation on regulations restricting the number of permits available to nonresidents, the Commission must simply demonstrate that such limits rationally relate to a legitimate state interest. Unlike the standard under the Commerce Clause that required the Commission to show that the regulations providing for a resident preference were the least restrictive means available to serve Arizona’s legitimate interest, the Commission now must meet the less stringent rational basis standard. Under this standard, a court will not undertake an in-depth analysis as to whether the regulations reasonably serve the state’s interests. See *Schutz v. Thorne*, --- F.3d --- (10th Cir. 2005) (upholding under the rational basis standard Wyoming’s regulations that impose a cap on the number of permits available to nonresidents).

As for the Commission’s interests that are served by limiting the number of nonresident permits, the Ninth Circuit has stated that Arizona has legitimate interests in maintaining resident hunting opportunity and conserving wildlife populations. See *Conservation Force, Inc. v. Manning*, 301 F.3d 985 (9th Cir. 2002). The proposed regulation will serve both interests. Capping the number of permit-tags available to nonresidents effectively maintains the level of resident hunting opportunity. Maintaining resident hunter opportunity encourages resident hunters to maintain their residency, and this serves the interest of wildlife conservation because resident hunters are more familiar with and involved in wildlife conservation efforts. The rule also has the added effect of assisting economically disadvantaged hunters who do not have the means to hunt out-of-state.

The rule places a 10% cap on the number hunt-permits tags available to nonresidents, rounded down, for each hunt number for bull elk, antlered deer, javelina, turkey, and antelope, and for all hunt permit-tags issued during a draw for bighorn sheep and buffalo. Restricting nonresidents to no more than 10% of the available permits for certain species has a rational basis as it preserves resident hunting opportunity to a level that existed before nonresident permit applications became a significantly larger percentage of all big game applications. The increase in nonresident applications over the past 15-20 years reflects the growing popularity of big game hunting in Arizona. For instance, during this period, the nonresident application rate for bull elk and antlered deer hunts north of the Colorado River surpassed the 10% level. Although a cap limited the number of permits available to nonresidents to 10% during much of this period, had there been no cap, the application rate indicates that nonresidents would have received a progressively higher percentage of the big game permits. The effect of not having a cap is a reduction in the overall resident hunting opportunity. Therefore, the proposal to cap nonresident permits at 10% preserves resident hunting opportunity at a level that previously existed.

The rule also expands the cap to include hunts not previously subject to any cap. The basis for adding all antlered deer and antelope to the rule is that nonresidents increasingly apply in greater percentages for these hunts, to the point that

the percentage of certain whitetail deer and antelope permits issued to nonresidents exceeds 10%. The basis for adding javelina and turkey is to address the growing number of nonresident applications for these hunts, which the Department anticipates will soon surpass 10% if no cap is put in place. The purpose of the rule is to preserve a resident preference for those hunts that have increased in popularity. For many less popular deer, turkey, javelina and antelope hunts, however, the cap will have no effect because nonresidents do not currently apply in a high enough percentage for a 10% cap to be a limitation. Despite this, imposing a cap on each antlered deer, javelina, turkey and antelope hunt is a logical approach as year-to-year increases in nonresident interest in all these hunts ensures that resident hunting opportunity is preserved.

The Department is also amending the rule to make hunt permit-tags available only to residents if there is only one tag in a hunt for antlered deer, bull elk, antelope, javelina, turkey, bighorn sheep, or buffalo. Under subsection (E), the Department shall make available no more than one hunt permit-tag in a hunt for these species if there are 10 or fewer tags in the hunt. If the Department makes the tag in a single tag hunt available to nonresidents, both residents and nonresidents have equal chances to be drawn for that tag, which contradicts the intent of this rulemaking.

The Department also proposes to add a new subsection (F) to apply any caps under this Section to hunt permit-tags issued in a random draw; not to those that are issued as first-come, first-served.

R12-4-115. Supplemental Hunts and Hunter Pool

The Department will add a new subsection (Q) to clearly state that an individual that participates in a supplemental hunt shall be removed from the supplemental hunter pool for the genus for which the individual participated; and that an individual that participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed. The Department is amending this rule to increase participation in these hunts by eliminating those individuals who have already participated.

R12-4-116. Reward Payments

The Department is amending subsection (A)(1) through (5) to clearly state the qualifications an individual must meet in order to receive a reward. The Department is also amending subsection (A)(2) to delete the reference to the Operation Game Thief (OGT) hotline phone number. The Department holds that by deleting this reference an individual will be able to report a wildlife violation to the Department and claim a reward even if they do not report it specifically through the OGT hotline. The Department will also delete subsection (D)(3) from rule in order to eliminate references to values prescribed by A.R.S. § 17-314. Previously, the Department used these values to prescribe a fair reward for cases involving wildlife other than deer, antelope, lion, bear, turkey, javelina, or any endangered or threatened species that are also listed in the statute (beavers, geese, raptors, other eagles, ducks, small game animals, small game birds, nongame birds, and game fish). However, with inflation and other factors influencing monetary values, the Department does not believe that these reward values are sufficient anymore. The Department proposes to amend (D)(4), however, to apply the minimum reward of \$50 and the maximum reward of \$150 to any wildlife not mentioned in A.R.S. § 17-314, unless excepted by another part of this rule. The Department also proposes to amend subsection (D)(5) to clarify and establish new criteria that will determine additional reward value for the information received. The contents of this subsection will also be moved into subsection (C).

In reviewing the implementation of the revisions stated in the five-year rule review, the Department has determined that it is not feasible to amend subsection (D), formerly (E) to offer and pay a reward up to the minimum civil value of wildlife that is unlawfully taken as adjusted in relation to the current consumer price index (CPI) of the minimum civil value.

R12-4-117. Indian Reservations

The Department will amend the rule to make it consistent with current APA guidelines for rulemaking language and style.

R12-4-119. Arizona Game and Fish Department Reserve

The Department is clarifying the duties of commissioned reserve officers and non-commissioned reserve volunteers by amending subsections (B) and (C). The Department is amending subsection (B)(2) to allow commissioned reserve officers to assist with off-highway vehicle enforcement patrols. The Department is also amending subsection (C)(2) to authorize non-commissioned reserve volunteers to perform any non-enforcement duties designated by the Director, such as wildlife presentations to public schools, for the purposes of conservation and education and also to maximize the effectiveness of the time paid staff is on duty.

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R12-4-120. Issuance, Sale, and Transfer of Special Big Game License Tags

The Department is amending subsection (A) of this rule to change the submission deadlines for proposals for special big game tags. Currently, submissions may be made from July 1 to September 30. The Department will change those dates to March 1 to May 31 in response to comments from the regulated community. These tags are usually requested by organizations that operate from a particular calendar of events, of which the special big game tag is a significant part. The date change will allow these organizations to coordinate their activities in a timelier manner. The Department will also amend subsection (A)(7) to clearly state the criteria for tax-exempt status. The Department anticipates this will help to ensure that those organizations that submit proposals are eligible to receive special tags. The Department is also amending subsection (C)(2) to require that a successful applicant for a special big game tag transfer all proceeds from the sale of the tag to the Department within 90 days of the date that the applicant sells or awards the tag, and that the tag shall not be issued until the proceeds are received. The Department is making this requirement in order to receive funds that have heretofore been held by certain organizations that have sold the tags but have retained the fees. The Department is also amending subsection (D) to state that the Department and the successful applicant shall coordinate on the use of funds rather than agree to these terms. The Department's objective is to gain greater flexibility in determining the use of these funds should circumstances dictate to avoid unlawful abrogation of authority for managing public funds. The Department is also amending subsection (F) to clearly state that a special big game license tag shall be valid only for the season dates on the tag. The Department has had problems with misunderstandings regarding this in the past.

R12-4-121. Big Game Permit or Tag Transfer

The Department is amending the rule in accordance with recent changes made by the Forty-Seventh Legislature to A.R.S. § 17-332. The Department proposes to add a new subsection to allow an individual that is issued a hunt permit-tag through the big game draw to donate the tag, or to allow the individual's legal representative to donate the tag if necessary, to a qualified non-profit organization under 501(c)(3) of the Internal Revenue Code. The Department is also adding a new subsection to establish a procedure for a qualified non-profit organization to lawfully transfer that tag to a minor child.

R12-4-122. Handling, Transportation, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations

The Department is amending subsection (A)(1) to delete javelina from the list of game meats that cannot be donated to an organization. Public perception of javelina meat has changed since the last making of the rule, and has made it more acceptable to be donated.

R12-4-123. Expenditure of Funds

The Department is amending the rule according to the current APA guidelines for rulemaking language, grammar, and style.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

In general, the rulemaking will create a significant impact to the Department, and to its regulated community. The rulemaking will benefit the Department by allowing it to meet costs that were previously unaddressed in rule; but overall, it will create costs that the agency will absorb to provide better service to the regulated community. The rulemaking in general will benefit the regulated community by creating more opportunities for the use of wildlife resources, with few costs; and will maintain resident hunting opportunity. The rulemaking may impact businesses, both large and small; however, the Department has determined that the impact will not be significant enough to impact revenues or payroll expenditures. The Department has determined that the rulemaking will not impact public or private employment. The rulemaking will not impact state revenues. The Department has determined that there are no alternative methods of achieving the objectives of the proposed rulemaking and that the benefits of the proposed rulemaking outweigh the costs.

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10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

The effectiveness date of the increased fee for a two-pole stamp was delayed until September 1, 2006 for the mutual benefit of the Department and the regulated community. Non-substantive changes were made to R12-4-108 after submission of proposed rulemaking to clearly identify boundaries of game management units. A non-substantive amendment was made to R12-4-114(E) to clarify that the 10% of tags available to nonresidents would be rounded down. Minor grammatical changes proposed by G.R.R.C. staff.

11. A summary of the comments made regarding the rule and the agency response to them:

Written Comment: As a life-long resident of Arizona, I find it only fair to reinstate the 10% rule for out-of-state hunters. Many other states have similar rules, and I believe Arizona should do the same to protect the rights of its resident hunters who pay taxes, spend all their time here, and donate to efforts such as the Rocky Mountain Elk Foundation and other clubs. Residents should not be penalized and forced to hunt in other states.

Agency Response: The Department appreciates your support.

Written Comment: Arizona is made up of 47.2% federal land, which is owned by all U.S. citizens. Arizona should be more fair and raise the 10% nonresident cap to a higher number that is more proportional to the amount of federal land in the state. I am sure nonresidents provide at least 75% of the total revenue received from hunting, and it would be safe to say that if Arizona gave out more nonresident tags more nonresidents would apply and create more revenue.

Agency Response: The Department disagrees. Arizona residents have historically provided the bulk of funding through license tag sales, even in those areas where species were not regulated by the 10% cap, such as antelope and previously uncapped deer hunts. Resident hunters provide additional revenue through sportsmen's groups and volunteer labor, which are not strongly supported by nonresidents. Looking at historic application levels, the Department believes that the 10% cap is an equitable means to protect the state's resident recreational opportunities, regardless of how much land is federally owned.

Written Comment: As a former resident of Arizona for over 18 years and a career military officer, I understand the drive to reinstate the 10% rule. May I suggest that a military amendment be included that allows good standing active duty, reservists, and non-retired National Guard personnel that continue to serve be allowed to put in as residents. Operations Noble Eagle and Enduring Freedom are ongoing and ensure national security. This amendment would be an excellent way for the citizens of Arizona appreciate those in uniform.

Agency Response: Under A.R.S. § 17-337, a member of the U.S. armed forces on active duty stationed in Arizona for more than 30 days qualifies as a resident for application purposes. To shorten this time-frame would require an amendment to statute.

Written Comment: With all the people moving to Arizona in addition to those already here, it is hard enough to get drawn for a hunt permit-tag. Please protect our rights and hunting privileges and pass the 10% nonresident hunting cap. You have my full support.

Agency Response: The Department appreciates your support.

Written Comment: For the life of me, I can't figure out why you want to put a 10% cap on javelina and general deer hunting. This will drastically decrease nonresident revenue for these hunts. Just reinstate the 10% cap you originally had, or at least bump up the cap to 15% or somewhere in the middle. Please don't punish the rest of our loyal non-resident hunters.

Agency Response: The Department is recommending a 10% cap for antlered deer, bull elk, antelope, javelina, and turkey hunts based on historical application and draw percentages. In most units, this cap will not impact nonresident hunters. For those hunts where nonresident applications are highest, the cap will serve to protect the legitimate interests of resident hunters by ensuring access to wildlife resources. The Department does not believe this will significantly impact revenues.

Written Comment: Just as now can limit out-of-staters to 10%, we also need to give preference to those who desire to hunt in the same units in which they live. By the exact same logic for allowing Arizonans preference for Arizona, Camp Verde residents should have first choice for Unit 6A, Williams residents for 8, etc. Take care of locals first, "move there or draw."

Agency Response: The Department disagrees. Although the agency recognizes the affinity many residents have for the areas in which they live, the support provided by other sportsmen in the state for wildlife that occupy a certain GMU does not exactly correlate to where they live. Financial contributions through license fees are applied statewide, and volunteer activities often involve contributions from people that do not live in the management unit of benefit. It would also be difficult for the Department to monitor and enforce such an amendment. The Department does not view primary GMU of residence in the same light as residents and nonresidents.

Written Comment: (2) I support the 10% cap, but the Department should extend it to cow elk so my chances of being drawn improve.

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Agency Response: The Department does not believe that prescribing a 10% cap for cow elk would affect draw odds. Fewer than 10% of applications are submitted by nonresidents.

Written Comment: I respectfully submit that a cap on non-resident hunt permit-tags poses a hardship on older hunters who would love to hunt Arizona. We simply do not have the time to wait on a much smaller percentage of tags being issued to nonresidents.

Agency Response: The Department disagrees. The 10% cap is designed to ensure resident hunting recreational opportunities. The cap does not eliminate nonresidents, but tries to provide an equitable solution to ensuring resident hunting opportunity.

Written Comment: This individual commented on the proposed rulemaking as well as other concerns.

- a. The 10% non-resident cap needs to be reinstated, and has to apply to each hunt unit. Otherwise, it does no good at all.
- b. The bonus point system is sad to say the least. No hunter with no or a minimum of bonus points should be allowed the opportunity to draw any trophy class permit. Also, if you draw a tag for elk, deer, or antelope, you should not be able to apply for a tag or a bonus point for two years.
- c. How can the Department justify greatly increased permit fees for residents for trophy elk or deer tags?
- d. All archery deer hunt permits, especially those on the Kaibab, should be issued by drawing only. This will control the congestion and eliminate the circus atmosphere. Also, if a person chooses to hunt archery deer, and receives a tag, that person cannot apply for a rifle tag.
- e. If anyone, when applying for a hunt submits an incorrect or incomplete application, they are done for the year. If someone's application is rejected, that person cannot reapply. No second chances.

Agency Response: The Department responds as follows:

- a. The Department is amending the rule as stated.
- b. The Department disagrees. The current application system for the draw allows each applicant the ability to apply annually and at least have the chance to draw a hunt each year. Mandatory waiting periods between successful draws also resulting inadvertent errors by applicants that may not accurately remember the year in which they were last drawn, which also results in greater enforcement violations by the public. The Department does not recommend any change to the rule language in response to this comment.
- c. The Department is only raising the fee for a two-pole stamp from four dollars to five dollars. Otherwise, the Department is not making any substantial fee increases as part of this rulemaking.
- d. The Department disagrees. The distribution of non-permit archery tags through the draw process would not require a rule change. The Department does not recommend a change to the rulemaking to address this comment.
- e. The Department disagrees. As a customer service, the Department contacts applicants within the first 10 days after the draw application process begins to identify errors that would impede processing the application. Because the bulk of applications are submitted closer to the deadline for accepting applications, most do not receive the benefit of this service and are rejected if they are incorrect or incomplete. Those applications are not entered into the draw. The Department does not recommend making rule changes in response to this comment.

Written Comment: This is in regard to your new rip-off policy. I do not believe that it is fair to require an applicant to purchase a license just to apply for a hunt permit-tag.

Agency Response: This requirement was made during a previous rulemaking, and was approved by the Game and Fish Commission and G.R.R.C. The Department is not recommending any change in response to this comment.

Written Comment: Instead of going back to the 10% cap, I recommend allowing out-of-state hunters to only be able to apply for leftover permits.

Agency Response: The Department has recommended the 10% cap on nonresidents to ensure the legitimate interests in recreational opportunities of state residents. The cap is based on historic levels of nonresident participation and is not designed to be unduly discriminatory. Limiting nonresident opportunity to leftover tags is more restrictive and may be deemed too discriminatory, and inequitable in the allocation of tags to nonresidents.

Written Comment: I am unclear on the addition of all antlered deer to the 10% cap. Does this mean there will be a cap on the non-permitted archery deer season on the North Kaibab? If so, I support it, because over the last eight years more non-residents have started hunting in the area and have demonstrated poor sportsmanship. If not, I recommend establishing a Volunteer Sportsman Posse, similar to the Sheriff's Posse.

Agency Response: The 10% cap will not affect non-permitted hunts, because these tags are unlimited. Instituting this rule on unlimited non-permit hunts would be difficult, because there is unlimited access.

Written Comment: As a non-resident who loves to hunt and fish in Arizona, I strongly support the 10% cap for non-resident permit-tags. In conjunction, I would urge you to bring back the online application process, and the requirement to only buy a hunting license if drawn for a tag.

Agency Response: The Department appreciates your support. However, the Department has not made a recommendation to no longer require purchase of a hunting license to apply for a hunt permit-tag.

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Written Comment: While I deplore the methods used by the people that brought the lawsuit, I even more deplore the 10% rule. This will alienate nonresidents more so.

Agency Response: The Department holds that limiting the number of hunt permit-tags issued to non-residents is an equitable means to ensure resident hunting opportunities are maintained at their historic levels while still providing nonresident hunting opportunity.

Written Comment: (2) I am in favor of the 10% non-resident cap.

Agency Response: The Department appreciates your support.

Written Comment: Although I understand the reasoning behind establishing a 10% cap, I feel that the number is very small. Non-residents bring in more than just additional license fees. I would encourage the Department to consider a slightly higher cap than 10%, like Colorado for example.

Agency Response: The Department's recommendation is based in part on the historic participation rates of nonresidents, which is below 10% for many of these hunts. The Department believes this is the best way to maintain resident hunting opportunity while still providing an equitable opportunity to nonresident hunters.

Written Comment: In addition to my other comments, I am all for the 10% rule change.

Agency Response: The Department appreciates your support.

Written Comment: Under Item 5 of the Notice of Proposed Rulemaking, the Department states that "maintaining resident hunter opportunity encourages resident hunters to maintain their residency, and this serves the interest of wildlife conservation because resident hunters are more familiar with and involved in wildlife conservation efforts. The rule also has the added effect of assisting economically disadvantaged hunters who do not have the means to hunt out-of-state." This is a broad and unfortunate generalization of resident hunters' perceived familiarity with wildlife issues. Typically, non-resident hunters are the most educated and informed. Their financial support compensates for their volunteer absence. Strike the last sentence, because non-resident hunters face the same financial hardships as residents.

Agency Response: The Department disagrees. The basis of the North American Model of Wildlife Management is that locals in general take a greater interest in wildlife conservation because they view wildlife as belonging to them. Locals become disengaged in conservation when they see outside forces taking control of their resources or taking over hunting and fishing opportunities, resulting in insufficient local conservation of wildlife resources. Although there are individual nonresidents and groups that have the same concerns in the resource, they are not capable of protecting the resource in the same way as residents. The principle that maintaining resident hunting opportunity favors economically-disadvantaged hunters is also consistent with the Model's notion of democratizing hunting opportunities. Many residents do not have the means to travel out-of-state to hunt and must rely on local opportunities. Maintaining resident hunting opportunity ensures that hunting is not transformed into an activity only for the wealthy.

Written Comment: I deeply enjoy hunting the western states and as a non-resident consider it a right to hunt on federal public lands. The State of Arizona is not only trying to eliminate those rights, but also is setting precedent for other western states to do the same.

Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: I am a non-resident of the State of Arizona, and have enjoyed hunting, or at least having the opportunity to hunt in Arizona. I would like to see an increased opportunity for non-residents to hunt in Arizona, not restrictions or caps. We spend a lot of money in your state for the opportunity.

Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: My concern with the 10% non-resident cap is that coupled with the 20% max bonus point pass there will be at the very least a tiny percentage of tags available to people with the maximum number of bonus points.

Agency Response: The Department disagrees. The Department does not believe that 10% cap and the 20% bonus point pass together will unnecessarily exclude nonresidents. The 20% bonus point pass rewards those who have applied the longest, regardless of residency status. The 10% cap is based in part on historic applications and draw rates, and is designed to protect the residents' legitimate interests in access to recreational opportunity.

Written Comment: Why can it not be that there are two areas of licenses: one for federal ground, and one for private or state ground?

Agency Response: The Department does not believe this is a viable option. Resident hunters provide the bulk of the support for wildlife management activities within the state regardless of land ownership patterns through financial support, fundraising efforts, and provide more human resources through volunteer activities. The 10% non-resident cap is designed to protect resident hunters' legitimate interests while still providing equitable opportunities for non-resident hunters based on historic participation levels.

Written Comment: I am a non-resident hunter but an Arizona property taxpayer, and I oppose the 10% cap.

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Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: I have been keenly following the events related to the no-resident cap issue. My request is that you at least don't make the laws any harder than what they have been and possibly allow greater opportunity as long as the quality and quantity of the wildlife is sustained. Rather than stiffening the percent rule, I would suggest larger fees, which may discourage the number of non-resident hunter applicants.

Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: I ask you to set a more generous limit on Arizona non-resident big game licenses than 10%. As a traveling hunter, I would like greater access to the hunting available throughout the U.S. I am disturbed by an apparent trend of making it more difficult for non-resident hunters to draw licenses in many states. This does not serve the interest of the hunting community's most committed members – those of us who spend thousands of dollars on our sport. That money funds wildlife management for the benefit of non-hunters and marginal hunters. I would like to see 20% or 25% allotted to non-residents.

Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: The Montoya lawsuit was filed because the system in place is not fair. Non-residents are charged inflated prices for licenses and tags and then are allowed only 10% of the tags. Consider increasing the nonresident cap to 20% and you will appease non-residents and increase revenue.

Agency Response: The Department holds that the 10% cap is an equitable means to maintain resident hunting opportunity at historic levels while still providing nonresident hunting opportunity.

Written Comment: I am in general very supportive of the modifications contained in this rulemaking. I would like to highlight my strong support of R12-4-114(C)(2). On another rule, I have some concern that R12-4-103 as proposed may make it more difficult for residents to obtain a duplicate tag, because it is not always easy to remember when and where someone purchased their license or the length of their residency. I hope that if this rule is implemented there is some leeway allowed in the specification of residency.

Agency Response: The agency appreciates your support on R12-4-114. In regards to the comment, the only substantive or new change is the requirement that an individual attest to the length of residency so that the Department's customer service personnel can provide faster service.

Written Comment: I concur with the Department's recommendations.

Agency Response: The Department appreciates your support.

Written Comment: The Arizona Desert Bighorn Sheep Society supports the amendment to R12-4-114(C)(2)(a) regarding the bonus point pass.

Agency Response: The Department appreciates your support.

The Department received the following oral comment at the public hearing scheduled for October 21-22 in the Notice of Proposed Rulemaking.

Oral Comment: In R12-4-120(D), why is the Department changing "agree" to "coordinate"?

Agency Response: The Department believes that the word "coordinate" allows the Department more control on expenditures. Although the Department has shown good practice by not acting completely contrary to the desires of the organization that receives a special tag, there have been times when agreement was not possible, which resulted in administrative problems. Ultimately, money generated from the sale of special tags is public money under the control of the Commission and the Department and allowing an outside organization to agree on how the money is spent unlawfully delegates authority outside of the agency.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

Not applicable

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 12. NATURAL RESOURCES

CHAPTER 4. GAME AND FISH COMMISSION

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

Section

- R12-4-101. Definitions
- R12-4-102. Fees for Licenses, Tags, Stamps, and Permits
- R12-4-103. Duplicate Tags and Licenses
- R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points
- R12-4-105. License Dealer's License
- R12-4-106. Licensing Time-frames
- R12-4-107. Bonus Point System
- R12-4-108. Management Unit Boundaries
- R12-4-110. Posting and ~~access to state land~~ Access to State Land
- R12-4-111. Identification Number
- R12-4-112. ~~Diseased, or injured wildlife~~ Injured, or Chemically Immobilized Wildlife
- R12-4-113. ~~Small game depredation permit~~ Game Depredation Permit
- R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags
- R12-4-115. Supplemental Hunts and Hunter Pool
- R12-4-116. ~~Reward payments~~ Payments
- R12-4-117. ~~Indian reservations~~ Reservations
- R12-4-119. Arizona Game and Fish Department Reserve
- R12-4-120. ~~Issuance, sale, and transfer of special big game license tags~~ Sale, and Transfer of Special Big Game License Tags
- R12-4-121. Big Game Permit or Tag Transfer
- R12-4-122. ~~Handling, transportation, processing and storing of game meat given to public institutions and charitable organizations~~ Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations
- R12-4-123. Expenditure of Funds

ARTICLE 1. DEFINITIONS AND GENERAL PROVISIONS

R12-4-101. Definitions

- A. In addition to the definitions provided in A.R.S. § 17-101, R12-4-401, and R12-4-501, the following definitions apply to this Chapter, unless the context otherwise requires:
1. "Artificial lures and flies" means man-made devices intended as visual attractants for fish and does not include living or dead organisms or edible parts of those organisms, natural or prepared food stuffs, artificial salmon eggs, artificial corn, or artificial marshmallows.
 2. "Bonus point" means a credit that authorizes the Department to issue an applicant an additional computer-generated random number.
 3. "Commission ~~order~~ Order" means a document adopted by the Commission that does any or all of the following: open, close, or alter seasons and open areas for taking wildlife; specify wildlife that may or may not be taken; set bag or possession limits for wildlife; or set the number of permits available for limited hunts.
 4. "Crayfish net" means a net ~~not exceeding 24~~ that does not exceed 36 inches on a side or in diameter ~~that~~ and is retrieved by means of a hand-held line.
 5. "Hunt area" means a game management unit, portion of a unit, or group of units opened to hunting by a particular hunt number.
 6. "Hunt number" means the number assigned by Commission ~~order~~ Order to any hunt area where a limited number of hunt permits is available.
 7. "Hunt permits" means the number of hunt permit-tags made available to the public as a result of a Commission ~~order~~ Order.
 8. "Hunt permit-tag" means a tag for a hunt for which a Commission ~~order~~ Order has assigned a hunt number.
 9. "Identification number" means a number assigned to each applicant or ~~licensee~~ license holder by the Department, as ~~described~~ prescribed in R12-4-111.

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10. "License dealer" means a business authorized to sell hunting, fishing, and other licenses ~~pursuant to~~ under R12-4-105.
 11. "Live baitfish" means any species of live freshwater fish designated by Commission ~~order~~ Order as lawful for use in taking aquatic wildlife ~~pursuant to R12-4-313~~ under R12-4-317.
 12. "Management unit" means an area established by the Commission for management purposes.
 13. "Minnow trap" means a trap with dimensions ~~not exceeding that do not exceed~~ 12 inches in depth, 12 inches in width, and 24 inches in length.
 14. "Muzzle-loading handgun" means a firearm intended to be fired from the hand, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
 15. "Muzzle-loading rifle" means a firearm intended to be fired from the shoulder, incapable of firing fixed ammunition, having a single barrel and single chamber, and loaded through the muzzle with black powder or synthetic black powder and a single projectile.
 16. "Nonpermit-tag" means a tag for a hunt for which a Commission ~~order~~ Order ~~has not assigned~~ does not assign a hunt number and the number of tags is not limited.
 17. "Restricted nonpermit-tag" means a tag issued for a supplemental hunt under R12-4-115.
 18. "Simultaneous fishing" means ~~the taking of~~ fish by using two lines and not more than two hooks or two artificial lures or flies per line.
 19. "Sink box" means a low floating device ~~having with~~ a depression ~~affording the~~ that affords a hunter a means of concealment beneath the surface of the water.
 20. "Stamp" means a form of authorization in addition to a license that allows the license holder to take wildlife specified by the stamp. The Department shall issue a stamp by one of the following methods:
 - a. Print the name of the stamp on the applicable license;
 - b. Print the name of the stamp on a separate license form that the license holder shall attach to or carry with the applicable license; or
 - c. Provide an actual stamp with an adhesive backing that the license holder shall affix to the back of the applicable license and signs across the face of the stamp.
 - ~~21.~~ "Tag" means the authorization that an individual is required to obtain from the Department under A.R.S. Title 17 and 12 A.A.C. 4 before taking certain wildlife.
 - ~~24~~ ~~22.~~ "Waterdog" means the larval or metamorphosing stage of salamanders.
 - ~~22~~ ~~23.~~ "Wildlife area" means an area established ~~pursuant to~~ under 12 A.A.C. 4, Article 8.
- B. If the following terms are used in a Commission ~~order~~ Order, the following definitions apply:
1. "Antlered" means having an antler fully erupted through the skin and capable of being shed.
 2. "Antlerless" means not having an antler, antlers, or any part thereof erupted through the skin.
 3. "Bearded turkey" means a turkey with a beard that extends beyond the contour feathers of the breast.
 - ~~3~~ ~~4.~~ "Buck antelope" means a male pronghorn antelope ~~with a horn longer than its ear.~~
 - ~~4~~ ~~5.~~ "Bull elk" means an antlered elk.
 - ~~5~~ ~~6.~~ "Designated" means the gender, age, or species of an animal or the specifically identified animal the Department authorizes to be taken and possessed with a valid tag.
 - ~~7.~~ "Ram" means any male bighorn sheep, excluding male lambs.

R12-4-102. Fees for Licenses, Tags, Stamps, and Permits

~~Persons purchasing the licenses, tags, stamps, or permits~~ An individual who purchases a license, tag, stamp, or permit listed in this Section shall pay the prescribed all applicable fees at the time of application, or the pay fees as prescribed by the Director under R12-4-115.

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Hunting and Fishing License Fees	Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Until 2005	Fees Effective for Licenses, Tags, Stamps, and Permits to Be Used Beginning in 2005
Class A, General Fishing License		
· Resident	\$18.00	\$18.00
· Nonresident <u>Pursuant to Under A.R.S. § 17-333(A)(1), the fee for this license issued in November or December of the year for which the license is valid is half price; that includes half of the surcharge prescribed as authorized by A.R.S. § 17-345.</u>	\$51.50	\$51.50
Class B, Four-month Fishing License		
· Nonresident	\$37.50	\$37.50
Class C, Five-day Fishing License		
· Nonresident	\$26.00	\$26.00
Class D, One-day Fishing License		
· Resident or Nonresident	\$12.50	\$12.50
Class E, Colorado River Only Fishing License		
· Nonresident	\$42.50	\$42.50
Class F, Combination Hunting and Fishing License		
· Resident Adult	\$44.00	\$44.00
· Nonresident Adult	\$177.50	\$177.50
· Resident or Nonresident Youth. Fee applies before and through the calendar year of the applicant's 20th birthday.	\$25.50	\$25.50
Class G, General Hunting License		
· Resident	\$25.50	\$25.50
· Nonresident	\$113.50	\$113.50
Class H, Three-day Hunting License		
· Nonresident	\$51.50	\$51.50
· Resident Youth Group Two-day Fishing License	\$25.00	\$25.00
<u>Class I, Resident Family Fishing License</u>		
· <u>For primary adult</u>		<u>\$28.50</u>
· <u>For one additional adult in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)</u>		<u>+ \$22.80</u>
· <u>For any additional children in the immediate family, as prescribed in A.R.S. § 17-333(A)(12)</u>		<u>+ \$2.00 per child</u>

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Class U, Urban Fishing License		
· Resident or Nonresident	\$16.00	\$16.00
Hunt Permit-tag Fees		
Antelope		
· Resident	\$59.50	\$65.00
· Nonresident	\$299.50	\$325.00
Bear		
· Resident	\$13.00	\$14.50
· Nonresident	\$183.00	\$200.00
Bighorn Sheep		
· Resident	\$179.50	\$195.00
· Nonresident	\$915.00	\$1,000.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$750.00
· Nonresident	\$3,750.00	\$3,750.00
· Adult Cows		
· Resident	\$450.00	\$450.00
· Nonresident	\$2,250.00	\$2,250.00
· Yearling		
· Resident	\$240.00	\$240.00
· Nonresident	\$1,200.00	\$1,200.00
· Yearling or Cow		
· Resident	\$450.00	\$450.00
· Nonresident	\$2,250.00	\$2,250.00
Deer and Archery Deer		
· Resident	\$17.50	\$19.50
· Nonresident	\$108.50	\$125.50
Elk		
· Resident	\$71.50	\$78.00
· Nonresident	\$366.00	\$400.00
Javelina and Archery Javelina		
· Resident	\$11.00	\$12.50
· Nonresident	\$63.00	\$70.00

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Mountain Lion		
· Resident	\$13.00	\$10.00
· Nonresident	\$183.00	\$200.00
Turkey and Archery Turkey		
· Resident	\$10.00	\$11.00
· Nonresident	\$50.50	\$50.50
Sandhill Crane		
· Resident or Nonresident	\$5.00	\$5.00
Nonpermit-tag and Restricted Nonpermit-tag Fees		
Antelope		
· Resident	\$59.50	\$65.00
· Nonresident	\$299.50	\$325.00
Bear		
· Resident	\$13.00	\$14.50
· Nonresident	\$183.00	\$200.00
Bighorn Sheep		
· Resident	\$179.50	\$195.00
· Nonresident	\$915.00	\$1,000.00
Buffalo		
· Adult Bulls or Any Buffalo		
· Resident	\$750.00	\$750.00
· Nonresident	\$3,750.00	\$3,750.00
· Adult Cows		
· Resident	\$450.00	\$450.00
· Nonresident	\$2,250.00	\$2,250.00
· Yearling		
· Resident	\$240.00	\$240.00
· Nonresident	\$1,200.00	\$1,200.00
· Yearling or Cow		
· Resident	\$450.00	\$450.00
· Nonresident	\$2,250.00	\$2,250.00
Deer and Archery Deer		
· Resident	\$17.50	\$19.50
· Nonresident	\$108.50	\$125.50

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Elk		
· Resident	\$71.50	\$78.00
· Nonresident	\$366.00	\$400.00
Javelina and Archery Javelina		
· Resident	\$11.00	\$12.50
· Nonresident	\$63.00	\$70.00
Mountain Lion		
· Resident	\$13.00	\$10.00
· Nonresident	\$183.00	\$200.00
Turkey and Archery Turkey		
· Resident	\$10.00	\$11.00
· Nonresident	\$50.50	\$50.50
<u>Sandhill Crane</u>		
· Resident or Nonresident		<u>\$5.00</u>
Stamps and Special Use Permit Fees		
Arizona Colorado River Special Use Permit Stamp. For use by California fishing licensees license holders, resident or nonresident.	\$3.00	\$3.00
Arizona Colorado River Special Use Permit Stamp. For use by Nevada fishing licensees, resident or nonresident as prescribed by R12-4-312.	\$3.00	\$3.00
Arizona Lake Powell Stamp. For use by resident Utah licensees.	\$3.00	\$3.00
Bobcat Permit Tag. For resident or nonresident.	\$2.00	\$2.00
State Waterfowl Stamp. Validates a resident or nonresident Class F, G, or H. Validates a hunting license for ducks, geese, and swans to allow the license holder to take waterfowl as prescribed in R12-4-203.	\$7.50	\$7.50
State Migratory Bird Stamp, as prescribed in A.R.S. § 17-333.03. Resident, resident or nonresident. Validates a hunting license to allow the license holder to take migratory game birds as prescribed in R12-4-203.	\$3.00	\$3.00
Trout Stamp. When affixed to the back of the license, validates a Class A license to allow the license holder to take for trout.		
· Resident	\$10.50	\$10.50
· Nonresident	\$49.50	\$49.50
Two-Pole Stamp, resident or nonresident. When affixed to the back of a Class A, B, C, D, E, F, Pioneer or Urban fishing license, allows simultaneous fishing as defined in R12-4-101. Validates a fishing license to allow the license holder to engage in simultaneous fishing, as defined in R12-4-101.	\$4.00	<u>\$4.00 The fee for a two-pole stamp shall be \$4.00 until September 1, 2006. Afterwards, the fee shall be \$5.00.</u>

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Unit 12A (North Kaibab) Habitat Management Stamp, resident or non-resident. <u>Sikes Act stamp, validates a hunting license to allow the license holder to take deer in unit 12A as prescribed by R12-4-204.</u>	\$15.00	\$15.00
Other License Fees		
Falconer License	\$75.00	\$75.00
<u>Game Bird Field Trial License</u>	\$5.00	\$5.00
<u>Game Bird Hobby License</u>		<u>\$5.00</u>
<u>Game Bird Shooting Preserve License</u>		<u>\$100.00</u>
Fur Dealer's License	\$100.00	\$100.00
Guide License		
· Resident or Nonresident	\$100.00	\$100.00
License Dealer's License	\$75.00	\$75.00
<u>License Dealer's Outlet License</u>		<u>\$25.00</u>
Minnow <u>Live Bait Dealer's License</u>	\$30.00	\$30.00
Private Game Farm License	\$40.00	\$40.00
Shooting Preserve License	\$100.00	\$100.00
<u>Sport Falconry License (3-year license)</u>		<u>\$75.00</u>
Taxidermist License	\$50.00	\$50.00
Trapping License		
· Resident	\$10.00	\$10.00
· Nonresident	\$50.00	\$50.00
· Resident Juvenile	\$10.00	\$10.00
White Amur Stocking <u>and Holding License</u>	\$100.00	\$200.00
· Non-business. <u>Under R12-4-424, an individual that holds a non-business white amur stocking and holding license does not pay the required fee if renewing the license.</u>		<u>\$200.00</u>
· <u>Business</u>		<u>\$200.00</u>
Wildlife Hobby License	\$5.00	\$5.00
Zoo License	\$100.00	\$100.00
Administrative Fees		
Duplicate Fee. Duplicates are not issued for Trout Stamps, Arizona Colorado River Special Use Permits, Arizona Colorado River Special Use Permit Stamps, Arizona Lake Powell Stamps, State Migratory Bird Stamps, or State Waterfowl Stamps.	\$3.00	\$3.00
Permit Application Fee.	\$5.00	\$5.00

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R12-4-103. Duplicate Tags and Licenses

- A. Pursuant to Under A.R.S. § 17-332(C), the Department and its license dealers shall issue a duplicate license or tag to an applicant who pays the fee ~~set forth at~~ prescribed by R12-4-102 for a duplicate license or tag, and who signs an affidavit affirming that includes and attests to the following:
1. The applicant's name and identification number, if previously issued to the applicant;
 2. ~~The purchase of~~ The applicant purchased an original license or tag;
 3. The resident status and class of the original license or tag. If the applicant is a resident, the applicant shall also attest to the length of residency;
 4. The approximate date ~~it was~~ the applicant purchased the original license or tag;
 5. The license dealer from whom ~~it was~~ the applicant purchased the original license or tag; and
 6. ~~That the~~ The applicant that purchased the original tag for which a duplicate is being purchased was unused did not use the tag, and that the tag is lost, destroyed, mutilated, or otherwise unusable; or
 7. If applicable, the applicant placed the original tag on a harvested animal that was subsequently condemned and the carcass and all parts of the animal were surrendered to a Department employee under R12-4-112(B) and (C).
- B. This rule is effective January 1, 1996. If an applicant is applying for a duplicate tag under subsection (A)(7), the applicant shall also submit a condemned meat duplicate tag authorization form issued by the Department.

R12-4-104. Application Procedures for Issuance of Hunt Permit-tags by Drawing and Purchase of Bonus Points

- A. For the purposes of this Section, "group" means all ~~applications~~ applicants who have placed their names on a single application form contained in a single envelope, or submitted electronically over the ~~internet~~ Internet as part of the same application. No more than four individuals may apply as a group ~~except that no more than two individuals may apply as a group for bighorn sheep. Nonresidents, see subsection R12-4-114(E).~~
- B. An individual is eligible to apply:
1. For a hunt permit-tag if the individual:
 - a. Is at least 10 years old at the start of the hunt for which the individual applies;
 - b. Has completed a department-approved hunter education course by the start date of the hunt for which the individual applies, if the individual is under the age of 14; and
 - c. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the individual submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
 2. For a bonus point if the individual:
 - a. Is at least 10 years old by the deadline to apply; and
 - b. Does not have his or her license or license privileges to hunt in this state suspended or revoked at the time the individual submits an application, as a result of an action under either A.R.S. §§ 17-340 or 17-502.
- C. An applicant for a hunt permit-tag or a bonus point shall apply using complete and submit a Hunt Permit-tag Application Form, available at from any Department offices office, the Department's internet Internet web site, and or a license dealers dealer. An applicant using the Hunt Permit-tag Application Form to apply for a hunt permit-tag or a bonus point shall apply at the times, and locations, and in the manner established by the hunt permit-tag application schedule that is published annually by the Department and available at any Department offices office, the Department's internet Internet web site, and or a license dealers dealer. Under A.R.S. § 17-231, the Commission shall set application deadlines for hunt permit-tag drawing applications. The Director has the authority to extend any draw deadline date if problems occur that prevent the public from submitting a hunt permit-tag application within the deadlines set by the Commission.
- ~~ED.~~ An applicant shall sign the Hunt Permit-tag Application Form, or provide permission to for another person individual to sign the application form for on behalf of the applicant. If applying electronically over the internet Internet, an applicant shall attest to, or provide permission to for another person individual to attest to, the information electronically provided.
- ~~D E.~~ An applicant shall provide the following information on the Hunt Permit-tag Application Form:
1. Applicant's The applicant's name, the applicant's home mailing address, the applicant's residency status, and the applicant's date of birth;
 2. The applicant's social security number, as required under A.R.S. §§ 25-320(N) and 25-502(K), and the applicant's Department identification number, if different from the social security number;
 3. If licensed to take wildlife in this state, the number of the applicant's license for the year the hunt will take place;
 4. If not licensed for the year in which the applicable hunt will take place, the applicant shall purchase a license by completing the License Application portion of the Hunt Permit-tag Application Form, providing the applicant's name, Department identification number, home mailing address, class of license for which application is made, residency status, length of Arizona residency (if applicable), date of birth, sex, weight, height, and color of hair and eyes; and
 5. An If an applicant is younger than age 14, and is applying for a hunt other than big game and, but is not required to have a license under A.R.S. § 17-335(B), the applicant shall indicate "juvenile" in the space provided for the license number on the Hunt Permit-tag Application Form.
- ~~E F.~~ An applicant shall include as part of the hunt permit-tag application, the following fees as set in as prescribed by R12-4-102 for the following:
1. The fee for the applicable hunt permit-tag, unless the application is submitted electronically over the internet Internet

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- or telephone;
- 2. The permit application fee; and
- 3. The license fee if the applicant has not previously purchased a license for the year ~~that corresponds with the applicable hunt number in which the hunt takes place.~~
- ~~F~~ **G.** An applicant shall enclose payment ~~as part of the~~ for a hunt permit-tag with a single hunt permit-tag application form, made payable in U.S. currency to the Arizona Game and Fish Department, by certified check, cashier's check, money order, or personal check. If applying electronically over the ~~internet~~ Internet or telephone, an applicant shall include payment by valid credit card as a part of the hunt permit-tag application.
- ~~G~~ **H.** An applicant shall apply for a specific hunt or a bonus point by the current hunt number. If all hunts selected by the applicant are filled at the time the application is processed in the drawing, the Department shall deem the application unsuccessful, unless the application is for a bonus point.
- ~~H~~ **I.** An applicant shall make all hunt choices for the same genus within one application.
- ~~I~~ **J.** An applicant shall not include applications for different genera of wildlife in the same envelope.
- ~~J~~ **K.** All members of a group shall apply for the same hunt numbers and in the same order of preference. The Department shall not issue a hunt permit-tag to any group member unless sufficient hunt permit-tags are available for all group members.
- ~~K~~ **L.** An applicant shall submit only one valid application per genus of wildlife for any calendar year, except:
 - 1. If the bag limit is one per calendar year, an unsuccessful applicant may re-apply for remaining hunt permit-tags in unfilled hunt areas, as specified in the hunt permit-tag application schedule published annually by the Department.
 - 2. For genera that have multiple ~~hunts~~ draws within a single calendar year, an individual who successfully draws a hunt permit-tag during an earlier season may apply for a later season for the same genus if the individual has not taken the bag limit for that genus during a preceding hunt in the same calendar year.
 - 3. If the bag limit is more than one per calendar year, an individual may apply as specified in the hunt permit-tag application schedule published annually by the Department for remaining hunt permit-tags in unfilled hunt areas.
- ~~L~~ **M.** An individual shall not apply for a bighorn sheep or buffalo hunt permit tag if the individual has ever taken the bag limit for that species. An individual shall not apply for a hunt permit-tag for Rocky Mountain bighorn sheep or desert bighorn sheep if that individual has met the lifetime bag limit for that sub-species. An individual shall not apply for a hunt permit-tag for buffalo if the individual has met the lifetime bag limit for that species.
- ~~M~~ **N.** To participate in the bonus point system, an applicant shall comply with R12-4-107.
- ~~N~~ **O.** Any Hunt Permit-tag Application Form not prepared or submitted in accordance with this Section, or not prepared in a legible manner, is not valid and shall be rejected and all fees refunded. The Department shall reject as invalid a Hunt Permit-Tag Application Form not prepared or submitted in accordance with this Section or not prepared in a legible manner. If the Department rejects an application from any member of a group, the Department shall reject all applications from the group.
- ~~O~~ **P.** Any hunt permit-tag issued for an application that is subsequently found not to be in accordance with this Section is invalid.
- ~~P~~ **Q.** The Department or its authorized agent shall mail hunt permit-tags to successful applicants. The Department shall return application overpayments to the applicant designated "A" on the Hunt Permit-tag Application Form. Permit application fees ~~received with valid applications~~ shall not be refunded. License fees submitted with ~~an~~ a valid application for a bonus point shall not be refunded.
- ~~Q~~ **R.** If the Director determines that Department error resulted in caused an individual to submit an invalid application for a hunt permit-tag, prevented an individual from lawfully submitting an application, caused the rejection of an application for a hunt permit-tag, or caused the denial of a hunt permit-tag, the Director may authorize an additional hunt permit-tag or the awarding of a bonus point to correct the error, if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted and the application for the hunt permit-tag would have otherwise been successful based on its random number. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. If the Director determines that Department error caused the failure to apply an applicant's bonus points to an application, the Director may authorize an additional hunt permit-tag to correct the error, if the issuance of an additional hunt permit-tag will have no significant impact on the wildlife population to be hunted. The Director may also authorize the awarding of a bonus point to correct the error if a hunt permit-tag is not issued. An applicant individual who is denied a hunt permit-tag or a bonus point under this procedure may appeal to the Commission as provided under A.R.S. Title 41, Chapter 6, Article 10.

R12-4-105. License Dealer's License

- A.** For the purposes of this ~~rule~~ Section, unless the context otherwise requires:
 - 1. "Dealer outlet" means an individual location authorized to sell licenses by a license dealer's license "Dealer number" means a number assigned by the Department to each dealer outlet.
 - 2. "Dealer number" means a number assigned by the Department to each dealer outlet "Dealer outlet" means a specified location authorized to sell licenses under a license dealer's license.
 - 3. "License" means any hunting or fishing license, stamp, tag, or permit which that may be sold by a dealer or dealer outlet pursuant to under this rule Section.

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4. "License dealer" means a business licensed by the Department to sell licenses from one or more dealer outlets.
- B. The Department shall issue a license dealer's license ~~when if~~ the following criteria are met:
 1. The applicant has not had the privilege to sell licenses for the Department revoked or canceled ~~pursuant to~~ under A.R.S. §§ 17-334, 17-338, or 17-339 within the past two calendar years;
 2. The applicant's credit record or assets assure the Department that the value of the licenses shall be adequately protected;
 3. The applicant agrees to assume financial responsibility for licenses provided to dealers and dealer outlets by the Department at the maximum value established in R12-4-102, less the dealer commission allowed by A.R.S. § 17-338(B); ~~and~~;
 4. ~~Each dealer outlet specializes in the sale of, or has a department specializing in the sale of, equipment intended for hunting, trapping, or fishing; or~~
 5. ~~The Department shall assess the need for a license dealer outlet not meeting the criterion set forth at subsection (B)(4) by determining whether a particular outlet is necessary to provide service to the public. The Department shall base its determination on:~~
 - a. ~~The location and size of the community and the outlet's physical location within the community;~~
 - b. ~~The outlet's proximity to currently existing dealer outlets; and~~
 - c. ~~The days and hours the license dealer outlet is open for business to sell hunting and fishing licenses, tags, and stamps.~~
- C. Upon denial of a license dealer's license by the Department, the applicant may appeal to the Commission ~~pursuant to R12-4-608 as provided under A.R.S. Title 41, Chapter 6, Article 10.~~
- D. An applicant for a license dealer's license shall obtain ~~from and submit to the Department an application form~~ an application form from the Department and submit it to any Department office. The Department shall issue the license or deny the application within 30 calendar days of receiving the application. The applicant shall provide all of the following on the form:
 1. Principal business or corporation name, address, and ~~phone~~ telephone number;
 2. If not a corporation, the full name, address, and ~~phone~~ telephone number of ~~all owners~~ each owner;
 3. Name, business address, and business ~~phone~~ telephone number of ~~the person~~ an individual designated by the applicant ~~as responsible for to ensure compliance with this rule Section;~~
 4. Whether the applicant has previously sold licenses ~~pursuant to~~ under A.R.S. § 17-334;
 5. Whether ~~application the applicant~~ the applicant is ~~for seeking~~ renewal of a currently an existing license dealer's license;
 6. Credit references and a statement of assets and liabilities; ~~and~~
 7. The name, address, and ~~phone~~ telephone number of each dealer outlet, and the name of a person responsible for the sale of licenses at each dealer outlet;
 8. ~~For each outlet, whether the outlet specializes in the sale of hunting, trapping or fishing equipment; if not, the reason the outlet should be approved pursuant to subsection (B)(5) of this rule.~~
- E. A license dealer may request to add dealer outlets to ~~a the~~ license dealer's license during a license year ~~shall be made on an amended by submitting the application form~~ containing the information required ~~in by~~ subsection (D).
- F. The Department shall provide to the license dealer all licenses that the license dealer will make available to the public for sale, except license dealers that are authorized to use their own license stock.
- G. A license dealer shall maintain at each outlet an inventory of licenses for sale to the public. A license dealer may request that the Department provide additional ~~inventory of licenses for sale. The request may be made~~ in writing or verbally. The request shall include the name of the license dealer, the assigned dealer number, a list of the items needed, and the name of the individual making the request. Within 10 calendar days from receipt of a request from a license dealer, the Department shall provide to an outlet the licenses requested unless licenses previously provided to the outlet have not been acknowledged ~~pursuant to~~ under subsection (H) or the outlet is not in compliance with applicable statutes and rules.
- H. Upon receipt of licenses from the Department, the license dealer shall ~~cause~~ verify that the licenses received ~~to be verified as the are those~~ licenses identified on the shipment inventory provided by the Department with the shipment. The individual performing the verification shall clearly designate any discrepancies on the shipment inventory, sign and date the shipping inventory, and return it to the Department within five working days from receipt of the shipment. The Department shall verify any discrepancies identified by the license dealer and credit or debit the license dealer's inventory ~~for a particular outlet~~ accordingly.
- I. A license dealer shall submit ~~the a~~ monthly report as required by A.R.S. § 17-338, on forms obtained from the Department, regardless of whether the license dealer ~~made~~ makes a sale during the month. The license dealer shall include in the monthly report all of the following information for each outlet:
 1. Name of ~~the dealer outlet~~ and the assigned dealer number;
 2. Reporting period;
 3. Number of sales and dollar amount of sales for reporting period, by type of license sold;
 4. Dollar amount of commission;
 5. Debit and credit adjustments for previous reporting periods, if any;

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6. ~~Affidavits~~ Number of affidavits received ~~and~~ for which a duplicate license was issued ~~pursuant to~~ under R12-4-103. A license dealer who fails to submit an affidavit for an issued duplicate shall remit to the Department the face value of the original license replaced;
 7. List of lost or missing licenses; and
 8. Signature of ~~the~~ preparer.
- J.** The Department shall ~~give~~ provide written notice of suspension and demand ~~to return of~~ all inventory within five calendar days ~~to from~~ any license dealer who:
1. Fails to remit monies due the Department ~~pursuant to~~ under A.R.S. § 17-338; or
 2. Issues to the Department more than one check with insufficient funds during a calendar year; or
 3. ~~Fails~~ Otherwise fails to comply with ~~any part of this rule~~ this Section.
- K.** The value of licenses not returned to the Department ~~pursuant to~~ in accordance with A.R.S. § 17-339; ~~or, not returned~~ upon termination of business by a license dealer outlet; ~~or which are~~ reported by a dealer outlet or discovered by the Department to be lost, missing, stolen, or destroyed for any reason, ~~shall be~~ is due and payable to the Department within 15 working days ~~of from~~ the date the Department provides written notice to the licensed dealer.
- L.** In addition to those ~~causes~~ violations that may result in revocation or suspension of a license dealer's license, provided ~~at~~ under A.R.S. §§ 17-334, 17-338 and 17-339, the Commission may revoke a license dealer's license ~~when~~ if the licensed dealer or an employee of the licensed dealer is convicted of counseling, aiding, or attempting to aid any person in obtaining a fraudulent license.
- M.** ~~This rule is effective January 1, 1996.~~

R12-4-106. Licensing Time-frames

- A.** As required by A.R.S. § 41-1072 et seq., the Department shall either grant or deny the following licenses within the listed time-frames. During the administrative completeness review time-frame, the Department may return to the applicant, without denial, any incomplete application that is lacking information required by the Section governing the specific license. The Department shall issue a written notice that accompanies each returned application listing the information that the applicant failed to provide. The administrative completeness review time-frame and the overall time-frame for the applicable license in this Section are suspended from the date on the notice until the date that the Department receives the missing information from the applicant. During the substantive review time-frame, the Department may make one comprehensive written request for additional information, except the Department and the applicant may mutually agree in writing to allow the agency to submit supplemental requests for additional information. The substantive review time-frame and the overall time-frame listed for the applicable license in this Section are suspended from the date on the request until the date that the Department receives the additional information from the applicant. All periods listed are calendar days, and all are maximum time periods. Licenses may be reviewed and issued or denied in less time.

Name of License	Governing Rule	Administrative Completeness Review Time-frame	Substantive Review Time-frame	Overall Time-frame
Aquatic Wildlife Stocking Permit	R12-4-410	10 days	170 days	180 days
Challenged Hunter Access/Mobility Permit	R12-4-217	1 day	29 days	30 days
Crossbow Permit	R12-4-216	1 day	29 days	30 days
Disabled Veteran's License	R12-4-202	1 day	29 days	30 days
Falconer License	R12-4-422	10 days	20 days	30 days
Field Trial License	R12-4-415	10 days	20 days	30 days
Field Trial Training Permit	R12-4-416	10 days	20 days	30 days
Fishing Permits	R12-4-310	10 days	20 days	30 days
<u>Game Bird Field Training Permit</u>	<u>R12-4-416</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>
<u>Game Bird Field Trial License</u>	<u>R12-4-415</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>

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<u>Game Bird Hobby License</u>	<u>R12-4-419</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>
<u>Game Bird Shooting Preserve License</u>	<u>R12-4-414</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>
Guide License	R12-4-208	10 days	20 days	30 days
License Dealer's License	R12-4-105	10 days	20 days	30 days
Minnow Live Bait Dealer's License	R12-4-411	10 days	20 days	30 days
Pioneer License	R12-4-201	1 day	29 days	30 days
Private Game Farm License	R12-4-413	10 days	20 days	30 days
Scientific Collecting Permit	R12-4-418	10 days	20 days	30 days
Shooting Preserve License	R12-4-414	10 days	20 days	30 days
<u>Small Game Depredation Permit</u>	<u>R12-4-113</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>
<u>Sport Falconry License</u>	<u>R12-4-422</u>	<u>10 days</u>	<u>20 days</u>	<u>30 days</u>
Tournament Fishing Permit	R12-4-215	10 days	20 days	30 days
Watercraft Agents	R12-4-509	10 days	20 days	30 days
White Amur Stocking License	R12-4-424	10 days	20 days	30 days
Wildlife Hobby License	R12-4-419	10 days	20 days	30 days
Wildlife Holding Permit License	R12-4-417	10 days	20 days	30 days
Wildlife Rehabilitation License	R12-4-423	10 days	50 days	60 days
Wildlife Service License	R12-4-421	10 days	50 days	60 days
Zoo License	R12-4-420	10 days	20 days	30 days

- B.** Issuance of Special License Tags is governed by R12-4-120. Proposals are accepted between ~~July 1 and September 30~~ March 1 to May 31 of each year. Administrative review is completed by the Department within ~~five~~ 10 days. The Game and Fish Commission makes its decision on issuance or denial in an open meeting within 30 days after the closing date for proposals. The substantive review time-frame is ~~45~~ 110 days and the overall time-frame is 120 days.

R12-4-107. Bonus Point System

- A.** For the purpose of this Section, the following definitions apply:
1. "Bonus point hunt number" means the hunt number assigned by the Commission in a Commission Order for use by an applicant applying only for a bonus point for a genus identified in this Section; and
 2. "Loyalty bonus point" means a bonus point awarded to an individual who has ~~applied~~ submitted a valid application for a hunt permit-tag or a bonus point for a specific genus identified in subsection (B) ~~consecutively at least once annually~~ for a consecutive five-year period.
- B.** The bonus point system grants an individual one entry in each drawing for antelope, bear, bighorn sheep, buffalo, deer, ~~or~~ elk, javelina, or turkey for each bonus point that individual has accumulated under this Section. Each bonus point entry is in addition to the entry normally granted by R12-4-104. When processing "group" applications, as defined in R12-4-104, the Department shall use the average number of bonus points accumulated by the individuals in the group, rounded to the nearest whole number. If the average is equal to or greater than .5, the total will be rounded to the next higher number.

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- C. The Department shall award one bonus point to an applicant who submits a valid Hunt Permit-tag Application Form if all of the following apply:
1. The application is unsuccessful in the drawing or the application is for a bonus point only;
 2. The application is not for a hunt permit-tag left over after the drawing and available on a first-come, first-served basis as prescribed in R12-4-114; and
 3. The applicant, before the drawing, purchases a hunting license valid for the year in which the hunt takes place. The applicant shall either provide the hunting license number on the application, or submit an application and fees for the license with the Hunt Permit-tag Application Form.
- D. An applicant who purchases a bonus point only shall:
1. Submit a valid Hunt Permit-tag Application Form, as prescribed in R12-4-104, with the Commission-assigned bonus point hunt number for the particular genus as the first choice hunt number on the application. Placing the bonus point only hunt number as a choice other than the first choice or including any other hunt number on the application ~~invalidates~~ will result in rejection of the application;
 2. Include with the application, payment for the hunt permit-tag application fee and a fee for a hunting license if the applicant does not already possess a license valid for the year for which the draw is conducted (If an applicant who purchases a bonus point has not already purchased a license for the year for which the applicant is applying, the applicant shall also submit all applicable information designated under R12-4-104(D)(E)(4). If an applicant who purchases a bonus point has already purchased a license for the year for which the applicant is applying, the applicant shall also submit the number of the applicant's license); and
 3. Submit only one Hunt Permit-tag Application Form for the same genus for each season that bonus points are issued for that genus.
- E. With the exception of the hunter education bonus point, each bonus point accumulated is valid only for the genus designated on the Hunt Permit-tag Application Form.
- F. Except for a permanent bonus point awarded for hunter education or loyalty bonus points that are accrued and forfeited as prescribed in subsection (K), all of an individual's accumulated bonus points for a genus are forfeited if:
1. The individual is issued a hunt permit-tag for that genus in a computer drawing; or
 2. The individual fails to submit a Hunt Permit-tag Application Form for that genus for five consecutive years.
- G. An applicant issued a first-come, first-served hunt permit-tag under R12-4-114(C)(2)(d) after the computer drawing does not lose bonus points for that genus, and a valid but unsuccessful applicant for a first-come, first-served hunt permit-tag remaining after the computer drawing does not gain a bonus point.
- H. The Department shall award one permanent bonus point for each genus upon an individual's first graduation from the Department's Arizona Hunter Education Course or for serving as a Department hunter education instructor.
1. The Department shall credit an individual who graduated after January 1, 1980, but before January 1, 1991, or an individual certified by the Department as an active hunter education instructor after January 1, 1980, with one permanent bonus point for each genus if the individual provides the following information on a form available from the Department: Department identification number; name; address; residency status, and length of Arizona residency, if applicable; date of birth; sex; weight; height; color of hair and eyes; and, for an individual other than an instructor, the month and year of graduation from the Department's Arizona Hunter Education Course.
 2. An instructor or an individual who has graduated from the Department's Arizona Hunter Education Course shall submit the required form 30 days before a drawing's application deadline, as specified in the hunt permit-tag application schedule, in order for the bonus point to be counted by the Department in that drawing.
- I. The Department shall make an applicant's total number of accumulated bonus points available on the Department's application web site or IVR telephone system. If the applicant disagrees with the total, the applicant ~~shall provide previous notices or~~ may request from the Department proof of compliance with this Section to prove Department error. In the event of an error, the Department shall correct the applicant's record.
- J. The Department shall credit bonus points under an applicant's Department identification number for the genus on the application. The Department shall not transfer bonus points between individuals or genera.
- K. The following provisions apply to the loyalty bonus point program:
1. The Department shall award a loyalty bonus point if an applicant ~~applies~~ submits a valid application at least once a year for a hunt permit-tag or a bonus point for a specific genus consecutively for a five-year period, ~~and purchases a hunting license or combination hunting and fishing license for each of the five consecutive years.~~
 2. An applicant retains a loyalty bonus point once accrued as long as the applicant ~~applies~~ submits a valid application annually for a hunt permit-tag or a bonus point for the genus for which the loyalty bonus point was accrued.
 3. If an applicant who has accrued a loyalty bonus point fails to apply in any calendar year for a hunt permit-tag for the genus for which the loyalty bonus point was accrued, the applicant's loyalty bonus point for that genus is forfeited.
 4. For the purposes of the loyalty bonus point program, year one of the calculation of consecutive application years is 2001, and the Department shall award a loyalty bonus point to an applicant who qualifies for the loyalty bonus point on or after the effective date of this Section.
 5. A loyalty bonus point is accrued in addition to all other bonus points.

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- L. The Department shall reinstate any bonus points forfeited for a successful hunt permit-tag application for military personnel, military reserve personnel, national guard personnel, or public agency employees who are unable to use the hunt permit-tag due to mobilization, activation, or required duty in response to a declared national or state emergency, or required duty in response to an action by the President, Congress, or a governor of the United States or its territories. Under A.R.S. § 17-332(E), no refunds for a license or hunt permit-tag will be issued to an applicant who applies for reinstatement of bonus points under this subsection. To request that forfeited bonus points be reinstated under these circumstances, an applicant shall submit all of the following to the Arizona Game and Fish Department, Draw Section, 2221 W. Greenway Rd., Phoenix, AZ 85023:
1. A letter from the applicant requesting reinstatement of bonus points;
 2. The hunt number for which the hunt permit-tag is valid;
 3. Evidence of mobilization or duty status, such as a letter from the public agency or official orders;
 4. An official declaration of a state of emergency from the public agency or authority making the declaration of emergency, if applicable; and
 5. The valid, unused hunt permit-tag, which must be received before the beginning date of the hunt for which the hunt permit-tag is valid, or evidence of mobilization or activation that precluded the applicant from submitting the tag before the beginning date of the hunt.

R12-4-108. Management Unit Boundaries

- A. For the purpose of this ~~rule~~ Section, parentheses mean “also known as,” and the following definitions shall apply:
1. “FH” means “forest highway,” a paved road.
 2. “FR” means “forest road,” an unpaved road.
 3. “Hwy” means “Highway.”
 4. “mp” means “milepost.”
- B. The state of ~~Arizona shall be~~ is divided into units for the purpose of managing wildlife. Each unit ~~shall be~~ is identified by a number, or a number and letter. For the purpose of this ~~rule~~ Section, Indian reservation land contained within any management ~~units~~ unit is not under the jurisdiction of the Arizona Game and Fish Commission or the Arizona Game and Fish Department. See R12-4-117.
- C. Management unit descriptions are as follows:
- Unit 1 -- Beginning at the New Mexico state line and U.S. Hwy 60; west on U.S. Hwy 60 to Vernon Junction; southerly on the Vernon-McNary ~~road Rd.~~ (FR 224) to the Fort Apache Indian Reservation boundary; east and south along the reservation boundary to Black River; east and north along Black River to the east fork of Black River; north along the east fork to Three Forks; and continuing north and east on the Three Forks-Williams Valley-Alpine ~~road Rd.~~ (FR 249) to U.S. Hwy 180; east on U.S. Hwy 180 to the New Mexico state line; north along the state line to U.S. Hwy 60.
- Unit 2A -- Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); north on U.S. Hwy 191 (AZ Hwy 61) to the Navajo Indian Reservation boundary; westerly along the reservation boundary to AZ Hwy 77; south on AZ Hwy 77 to Exit 292 on I-40; west on the westbound lane of I-40 to Exit 286; south on AZ Hwy 77 to U.S. Hwy 180; southeast on U.S. Hwy 180 to AZ Hwy 180A; south on AZ Hwy 180A to AZ Hwy 61; east on AZ Hwy 61 to U.S. Hwy 180 (AZ Hwy 61); east to U.S. Hwy 191 at St. Johns; except those portions that are sovereign tribal lands of the Zuni Tribe.
- Unit 2B -- Beginning at Springerville; east on U.S. Hwy 60 to the New Mexico state line; north along the state line to the Navajo Indian Reservation boundary; westerly along the reservation boundary to U.S. Hwy 191 (AZ Hwy 61); south on U.S. Hwy 191 (U.S. Hwy 180) to Springerville.
- Unit 2C -- Beginning at St. Johns on U.S. Hwy 191 (AZ Hwy 61); west on ~~U.S. Hwy 180 (AZ Hwy 61)~~ to AZ Hwy 61 Concho; southwest on AZ Hwy 61 to U.S. Hwy 60; east on U.S. Hwy 60 to U.S. Hwy 191 (U.S. Hwy 180); north on U.S. Hwy 191 (U.S. Hwy 180) to St. Johns.
- Unit 3A -- Beginning at the junction of U.S. Hwy 180 and AZ Hwy 77; south on AZ Hwy 77 to AZ Hwy 377; southwesterly on AZ Hwy 377 to AZ Hwy 277; easterly on AZ Hwy 277 to Snowflake; easterly on the Snowflake-Concho ~~road Rd.~~ to U.S. Hwy 180A; north on U.S. Hwy 180A to U.S. Hwy 180; northwesterly on U.S. Hwy 180 to AZ Hwy 77.
- Unit 3B -- Beginning at Snowflake; southerly along AZ Hwy 77 to U.S. Hwy 60; southwesterly along U.S. Hwy 60 to the Fort Apache Indian Reservation boundary; easterly along the reservation boundary to the Vernon-McNary ~~road Rd.~~ (FR 224); northerly along ~~this road the~~ Vernon-McNary Rd. to U.S. Hwy 60; west on U.S. Hwy 60 to AZ Hwy 61; northeasterly on AZ Hwy 61 to AZ Hwy 180A; northerly on AZ Hwy 180A to Concho-Snowflake ~~road Rd.~~; westerly on the Concho- Snowflake ~~road Rd.~~ to Snowflake.
- Unit 3C -- Beginning at Snowflake; westerly on AZ Hwy 277 to AZ Hwy 260; westerly on AZ Hwy 260 to the Sitgreaves National Forest boundary with the Tonto National Forest; easterly along the Apache-Sitgreaves National Forest boundary to U.S. Hwy 60 (AZ Hwy 77); northeasterly on U.S. Hwy 60 (AZ Hwy 77) to Showlow; northerly along AZ Hwy 77 to Snowflake.

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Unit 4A -- Beginning on the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest at the Mogollon Rim; north along this boundary (Leonard Canyon) to East Clear Creek; northerly along East Clear Creek to ~~the Little Colorado River~~; easterly along the Little Colorado River AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; northerly on Hipkoe Dr. to I-40; west on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation Boundary; east along the Navajo Indian Reservation Boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake ~~road Rd.~~; southeasterly along the Woods Canyon Lake ~~road Rd.~~ to the Mogollon Rim; westerly along the Mogollon Rim to the boundary of the Apache-Sitgreaves National Forest with the Coconino National Forest.

Unit 4B -- Beginning at AZ Hwy 260 and the Sitgreaves National Forest boundary with the Tonto National Forest; northeasterly on AZ Hwy 260 to AZ Hwy 277; northeasterly on AZ Hwy 277 to Hwy 377; northeasterly on AZ Hwy 377 to AZ Hwy 77; northeasterly on AZ Hwy 77 to I-40 Exit 286; northeasterly along the westbound lane of I-40 to Exit 292; north on AZ Hwy 77 to the Navajo Indian Reservation boundary; west along the reservation boundary to the Little Colorado River; southerly along the Little Colorado River to Chevelon Creek; southerly along Chevelon Creek to Woods Canyon; westerly along Woods Canyon to Woods Canyon Lake ~~road Rd.~~; southerly along the Woods Canyon Lake ~~road Rd.~~ to the Mogollon Rim; easterly along the Mogollon Rim to AZ Hwy 260.

Unit 5A -- Beginning at the junction of the Sitgreaves National Forest boundary with the Coconino National Forest boundary at the Mogollon Rim; northerly along this boundary (Leonard Canyon) to East Clear Creek; northeasterly along East Clear Creek to ~~the Little Colorado River~~; northerly along the Little Colorado River to the Navajo Indian Reservation boundary; west along the reservation boundary to I-40; southeasterly on I-40 AZ Hwy 99; north on AZ Hwy 99 to AZ Hwy 87; north on AZ Hwy 87 to Business I-40 (3rd St.); west on Business I-40 (3rd St.) to Hipkoe Dr.; north on Hipkoe Dr. to I-40; west on I-40 to the Meteor Crater ~~road Rd.~~ (Exit 233); southerly on the Meteor Crater-Chavez Pass-Jack's Canyon ~~road Rd.~~ (FR 69) to AZ Hwy 87; southwesterly along AZ Hwy 87 to the Coconino-Tonto National Forest boundary; easterly along the Coconino-Tonto National Forest boundary (Mogollon Rim) to the Sitgreaves National Forest boundary with the Coconino National Forest.

Unit 5B -- Beginning at Lake Mary-Clint's Well ~~road Rd.~~ (FH3) and ~~the south rim of Walnut Canyon Creek~~ (mp 337.5 on FH3); southeasterly on FH3 to AZ Hwy 87; northeasterly on AZ Hwy 87 to FR 69; westerly and northerly on FR 69 to I-40 (Exit 233); west on I-40 to ~~the bottom of Walnut Canyon (mp 210.2 on I-40)~~ Walnut Creek (mp 210.2); southwesterly along Walnut ~~Canyon Creek~~ to Walnut Canyon National Monument; southwesterly along the northern boundary of the Walnut Canyon National Monument to ~~the south rim of Walnut Canyon Creek~~; southwesterly along ~~the south rim of Walnut Canyon Creek~~ to FH3 (mp 337.5).

Unit 6A -- Beginning at the junction of U.S. Hwy 89A and FR 237; southwesterly on U.S. Hwy 89A to the Verde River; southeasterly along the Verde River to Childs; easterly on the Childs-Strawberry ~~road Rd.~~ to the Tonto-Coconino National Forest boundary; easterly along this boundary to AZ Hwy 87; northeasterly on AZ Hwy 87 to Lake Mary-Clint's Well ~~road Rd.~~ (FH3); northwesterly on FH3 to FR 132; southwesterly on FR 132 to FR 296; southwesterly on FR 296 to FR 296A; southwesterly on FR 296A to FR 132; northwesterly on FR 132 to FR 235; westerly on FR 235 to FR 235A; westerly on FR 235A to FR 235; southerly on FR 235 to FR 235K; northwesterly on FR 235K to FR 700; northerly on FR 700 to Mountaineer ~~Road Rd.~~; west on Mountaineer ~~Road Rd.~~ to FR 237; westerly on FR 237 to U.S. Hwy 89A except those portions that are sovereign tribal lands of the Yavapai-Apache Nation.

Unit 6B -- Beginning at mp 188.5 on I-40 at a point just north of the east boundary of Camp Navajo; south along the eastern boundary of Camp Navajo to the southeastern corner of Camp Navajo; southeast approximately 1/3 mile through the forest to the forest road in section 33; southeast on ~~that the~~ forest road to FR 231 (Woody Mountain ~~Road Rd.~~); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to the Verde River; northerly along the Verde River to Sycamore Creek; northeasterly along Sycamore Creek and Volunteer Canyon to the southwest corner of the Camp Navajo boundary; northerly along the western boundary of Camp Navajo to the northwest corner of Camp Navajo; continuing north to I-40 (mp 180.0); easterly along I-40 to mp 188.5.

Unit 7 -- Beginning at the junction of AZ Hwy 64 and I-40 (in Williams); easterly on I-40 to FR 171 (mp ~~187.4~~ 184.4 on I-40); northerly on FR 171 to the Transwestern Gas Pipeline; easterly along the Transwestern Gas Pipeline to FR 420 (Schultz Pass ~~Road Rd.~~); northeasterly on FR 420 to U.S. Hwy 89; north on U.S. Hwy 89 to FR 545; east on FR 545 to the Sunset Crater National Monument; easterly along the southern boundary of the Sunset Crater National Monument to FR 545; east on FR 545 to the 345 KV transmission lines 1 and 2; southeasterly along the power lines to I-40 (mp 212 on I-40); east on I-40 to mp 221.4; north to the southwest corner of the Navajo Indian Reservation boundary; northerly and westerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; west on U.S. Hwy 180 to AZ Hwy 64; south on AZ Hwy 64 to I-40.

Unit 7M -- Beginning at the junction of Lake Mary-Clint's Well ~~road~~ (FH3) and Walnut Canyon (mp 337.5 on FH3);

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northeasterly along the south rim of Walnut Canyon to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Canyon; northeasterly along the bottom of Walnut Canyon to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Road); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; south on U.S. Hwy 89 to FR 420 (Schultz Pass Road); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to forest road in section 33; southeasterly along that forest road to FR 231 (Woody Mountain Road); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Road; easterly on Mountaineer Road to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to the south rim of Walnut Canyon (mp 337.5 on FH3).

Unit 8 -- Beginning at the junction of I-40 and U.S. Hwy 89 (in Ash Fork, Exit 146); south on U.S. Hwy 89 to the Verde River; easterly along the Verde River to Sycamore Creek; northerly along Sycamore Creek to Volunteer Canyon; northeasterly along Volunteer Canyon to the west boundary of Camp Navajo; north along the boundary to a point directly north of I-40; west on I-40 to U.S. Hwy 89.

Unit 9 -- Beginning at the junction of Havasu Creek and the Colorado River where Cataract Creek enters the Havasupai Reservation; easterly and northerly along the Colorado River to Shinumo Wash Havasupai Reservation boundary to Grand Canyon National Park; southeasterly along Shinumo Wash to easterly along the Grand Canyon National Park boundary to the Navajo Indian Reservation boundary; southerly along the reservation boundary to the Four Corners Gas Line; southwesterly along the Four Corners Gas Line to U.S. Hwy 180; westerly on the Flagstaff Valle-Cataract Creek road along U.S. Hwy 180 to AZ Hwy 64; south along AZ Hwy 64 to Airpark Rd.; west and north along Airpark Rd. to the Valle-Cataract Creek Rd.; westerly along the Valle-Cataract Creek Rd. to Cataract Creek at Island Tank; northwesterly along Cataract Creek to the Havasupai Reservation Boundary to Havasu Creek; northwesterly along Havasu Creek to the Colorado River; except those portions that are sovereign tribal lands of the Havasupai Tribe.

Unit 10 -- Beginning at the junction of AZ Hwy 64 and I-40; westerly on I-40 to Crookton Road Rd. (AZ Hwy 66, Exit 139); westerly on AZ Hwy 66 to the Hualapai Indian Reservation boundary; northeasterly along the reservation boundary to Grand Canyon National Park; east along the park boundary to the Havasupai Indian Reservation; easterly and southerly along the reservation boundary to the Colorado River; easterly along the Colorado River to Havasu Creek in Cataract Canyon where Cataract Creek enters the reservation; southeasterly along Havasu Creek and Cataract Creek in Cataract Canyon to Island Tank; easterly on the Island Tank Valle road Cataract Creek-Valle Rd. to Airpark Rd.; south and east along Airpark Rd. to AZ Hwy 64; south on AZ Hwy 64 to I-40; except those portions that are sovereign tribal lands of the Havasupai Tribe.

Unit 11M -- Beginning at the junction of Lake Mary-Clint's Well Rd. (FH3) and Walnut Creek (mp 337.5 on FH3); northeasterly along Walnut Creek to the Walnut Canyon National Monument boundary; northeasterly along the northern boundary of the Walnut Canyon National Monument to Walnut Creek; northeasterly along Walnut Creek to I-40 (mp 210.2); east on I-40 to the 345 KV transmission lines 1 and 2 (mp 212 on I-40); north and northeasterly along the power line to FR 545 (Sunset Crater Rd.); west along FR 545 to the Sunset Crater National Monument boundary; westerly along the southern boundary of the Sunset Crater National Monument to FR 545; west on FR 545 to U.S. Hwy 89; south on U.S. Hwy 89 to FR 420 (Schultz Pass Rd.); southwesterly on FR 420 to the Transwestern Gas Pipeline; westerly along the Transwestern Gas Pipeline to FR 171; south on FR 171 to I-40 (mp 184.4 on I-40); east on I-40 to a point just north of the eastern boundary of Camp Navajo (mp 188.5 on I-40); south along the eastern boundary of Camp Navajo to the southeast corner of Camp Navajo; southeast approximately 1/3 mile to the forest road in section 33; southeasterly along the forest road to FR 231 (Woody Mountain Rd.); easterly on FR 231 to FR 533; southerly on FR 533 to U.S. Hwy 89A; southerly on U.S. Hwy 89A to FR 237; northeasterly on FR 237 to Mountaineer Rd.; easterly on Mountaineer Rd. to FR 700; southerly on FR 700 to FR 235K; southeasterly on FR 235K to FR 235; northerly on FR 235 to FR 235A; easterly on FR 235A to FR 235; easterly on FR 235 to FR 132; southeasterly on FR 132 to FR 296A; northeasterly on FR 296A to FR 296; northeasterly on FR 296 to FR 132; northeasterly on FR 132 to FH3; southeasterly on FH3 to Walnut Creek (mp 337.5 on FH3).

Unit 12A -- Beginning at the confluence of the Colorado River and South Canyon; southerly and westerly along the Colorado River U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; southerly and westerly along the park boundary to Kanab Creek; northerly along Kanab Creek to Snake Gulch; northerly, easterly and southerly around the Kaibab National Forest

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boundary to ~~South Canyon; northeasterly along South Canyon to the Colorado River U.S. Hwy 89A near mp 566.~~

Unit 12B -- Beginning at ~~Shinumo Wash and the Navajo Indian Reservation boundary; northeasterly on the reservation boundary U.S. Hwy 89A and the Kaibab National Forest boundary near mp 566; southerly and easterly along the forest boundary to Grand Canyon National Park; northeasterly along the park boundary to Glen Canyon National Recreation area; easterly along the recreation area boundary to the Colorado River; northeasterly along the Colorado River to the Arizona-Utah state line; westerly along the state line to Kanab Creek; southerly along Kanab Creek to the Kaibab National Forest boundary; northerly, easterly, and southerly along this boundary to South Canyon; down South Canyon to the Colorado River; northerly along the Colorado River to Shinumo Wash; southeasterly along Shinumo Wash to the Navajo Indian Reservation boundary U.S. Hwy 89A near mp 566; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.~~

Unit 13A -- Beginning on the western edge of the Hurricane Rim at the Utah state line; ~~southerly along the western edge of the Hurricane Rim to the Mt. Trumbull road; westerly along the Mt. Trumbull road to the town of Mt. Trumbull (Bundyville); southerly along Main Street from the town Mt. Trumbull (Bundyville) to Whitmore Canyon; southeasterly along the bottom of Whitmore Canyon to the Colorado River; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville); south from the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to Cold Spring Wash; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; easterly along the Colorado River to Kanab Creek; northerly along Kanab Creek to the Utah state line; west along the Utah state line to the western edge of the Hurricane Rim; except those portions that are sovereign tribal lands of the Kaibab Band of Paiute Indians.~~

Unit 13B -- Beginning on the western edge of the Hurricane Rim at the Utah state line; ~~southerly along the western edge of the Hurricane Rim to the Mt. Trumbull road; west along the Mt. Trumbull road to the town of Mt. Trumbull (Bundyville); south along Main Street from the town of Mt. Trumbull (Bundyville) to Whitmore Canyon, and south-east along the bottom of Whitmore Canyon to the Colorado River; southerly along the western edge of the Hurricane Rim to Mohave County Rd. 5 (the Mt. Trumbull Rd.); west along Mohave County Rd. 5 to the town of Mt. Trumbull (Bundyville) on Mohave County Rd. 257 to BLM Rd. 1045; south on BLM Rd. 1045 to Cold Spring Wash; south along the bottom of Cold Spring Wash to Whitmore Wash; southerly along the bottom of Whitmore Wash to the Colorado River; westerly along the Colorado River to the Nevada state line; north along the Nevada state line to the Utah state line; east along the Utah state line to the western edge of the Hurricane Rim.~~

Unit 15A -- Beginning at Pearce Ferry on the Colorado River; southerly on the Pearce Ferry ~~road Rd.~~ to Antares ~~road Rd.~~; southeasterly on Antares ~~road Rd.~~ to AZ Hwy 66; easterly on AZ Hwy 66 to the Hualapai Indian Reservation; west and north along the west boundary of the reservation to the Colorado River; westerly along the Colorado River to Pearce Ferry; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 15B -- Beginning at Kingman on I-40 (Exit 48); northwesterly on U.S. Hwy 93 to Hoover Dam; north and east along the Colorado River to Pearce Ferry; southerly on the Pearce Ferry ~~road Rd.~~ to Antares ~~road Rd.~~; southeasterly on Antares ~~road Rd.~~ to AZ Hwy 66; easterly on AZ Hwy 66 to Hackberry; southerly on the Hackberry ~~road Rd.~~ to its junction with U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 (Exit 71) to Kingman.

Unit 15C -- Beginning at Hoover Dam; southerly along the Colorado River to AZ Hwy 68 and Davis Dam; easterly on AZ Hwy 68 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to Hoover Dam.

Unit 15D -- Beginning at AZ Hwy 68 and Davis Dam; southerly along the Colorado River to I-40; east and north on I-40 to Kingman (Exit 48); northwest on U.S. Hwy 93 to AZ Hwy 68; west on AZ Hwy 68 to Davis Dam; except those portions that are sovereign tribal lands of the Fort Mohave Indian Tribe.

Unit 16A -- Beginning at Kingman Exit 48 on I-40; south and west on I-40 to AZ Hwy 95 (Exit 9); southerly on AZ Hwy 95 to the Bill Williams River; Rd. (milepost 161.4); easterly along the Bill Williams River Rd. to Mineral Wash Rd.; continuing easterly along the Bill Williams and Santa Maria rivers to U.S. Hwy 93; north and west on U.S. Hwy 93 and I-40 to Kingman (Exit 48).

Unit 16B -- Beginning at I-40 on the Colorado River; southerly along the Arizona-California state line to the Bill Williams River; east along the Bill Williams River to AZ Hwy 95; north on AZ Hwy 95 to I-40 (Exit 9); west on I-40 to the Colorado River.

Unit 17A -- Beginning at the junction of the ~~Seligman-Prescott road (FR-6)~~ Williamson Valley Rd. (County Road 5) and the Camp Wood ~~road Rd.~~ (FR 21); westerly on the Camp Wood road to the west boundary of the Prescott National Forest; north along this boundary to the Baca Grant; east, north and west around the grant to the west boundary of the Prescott National Forest; north and east along this boundary to the ~~Seligman-Prescott road~~ Williamson Valley Rd. (County Rd. 5, FR 6); southerly on ~~this road~~ Williamson Valley Rd. (County Rd. 5, FR 6) to the Camp Wood ~~road Rd.~~

Unit 17B -- Beginning in Prescott; at the junction of Iron Springs ~~road Rd.~~ and Williamson Valley ~~road Rd.~~ westerly

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on the Prescott-Skull Valley-Hillside-Bagdad ~~road Rd.~~ to Bagdad; northeast on the Bagdad-Camp Wood ~~road Rd.~~ (FR 21) to the ~~Seligman-Prescott road (FR 6, Williamson Valley Road)~~ Williamson Valley Rd. (County Rd. 5, FR 6); south on ~~this road~~ the Williamson Valley Rd. (County Rd. 5, FR 6) to the Iron Springs ~~road Rd.~~

Unit 18A -- Beginning at Seligman; westerly on AZ Hwy 66 to the Hualapai Indian Reservation; southwest and west along the reservation boundary to AZ Hwy 66; southwest on AZ Hwy 66 to the Hackberry ~~road Rd.~~; south on the Hackberry ~~road Rd.~~ to U.S. Hwy 93; south on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeast along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; north and east along the forest boundary to the ~~Seligman-Prescott road~~ Williamson Valley Rd. (County Rd. 5, FR 6); northerly on ~~this road~~ the Williamson Valley Rd. (County Rd. 5, FR 6) to Seligman and AZ Hwy 66; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 18B -- Beginning at Bagdad; southeast on AZ Hwy 96 to the Santa Maria River; southwest along the Santa Maria River to U.S. Hwy 93; northerly on U.S. Hwy 93 to Cane Springs Wash; easterly along Cane Springs Wash to the Big Sandy River; northerly along the Big Sandy River to Trout Creek; northeasterly along Trout Creek to the Davis Dam-Prescott power line; southeasterly along the power line to the west boundary of the Prescott National Forest; south along the forest boundary to the Baca Grant; east, south and west along the joint Baca Grant Prescott Forest Boundary. Continuing south along the west boundary of the Prescott National Forest; to the Camp Wood-Bagdad ~~road Rd.~~; southwesterly on ~~this road~~ the Camp Wood-Bagdad Rd. to Bagdad; except those portions that are sovereign tribal lands of the Hualapai Indian Tribe.

Unit 19A -- Beginning at AZ Hwy 69 and U.S. Hwy 89 (in Prescott); northerly on U.S. Hwy 89 to the Verde River; easterly along the Verde River to I-17; southwesterly on the southbound lane of I-17 to AZ Hwy 69; northwesterly on AZ Hwy 69 to U.S. Hwy 89; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe and the Yavapai-Apache Nation.

Unit 19B -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69 northwesterly through Prescott to the junction of Williamson Valley ~~road Rd.~~ and Iron Springs ~~road Rd.~~; northerly on the Williamson Valley-Prescott-Seligman ~~road Rd.~~ (FR 6, Williamson Valley ~~road Rd.~~) to AZ Hwy 66 at Seligman; east on Crookton ~~road Rd.~~ (AZ Hwy 66) to I-40 (Exit 139); east on I-40 to U.S. Hwy 89; south on U.S. Hwy 89 to the junction with AZ Hwy 69; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20A -- Beginning at the intersection of U.S. Hwy 89 and AZ Hwy 69; northwest to Iron Springs ~~road Rd.~~, west and south on the Iron Springs-Skull Valley-Kirkland Junction ~~road Rd.~~ to U.S. Hwy 89; continue south and easterly on the Kirkland Junction-Wagoner-Crown King-Cordes ~~road Rd.~~ to Cordes, from Cordes southeast to I-17 (Exit 259); north on the southbound lane of I-17 to AZ Hwy 69; northwest on AZ Hwy 69 to junction of U.S. Hwy 89 at Prescott; except those portions that are sovereign tribal lands of the Yavapai-Prescott Tribe.

Unit 20B -- Beginning at the Hassayampa River and U.S. Hwy 93 (in Wickenburg); northeasterly along the Hassayampa River to the Kirkland Junction-Wagoner-Crown King-Cordes road (at ~~Walnut Grove Wagoner~~); southerly and northeasterly along ~~this road~~ the Kirkland Junction-Wagoner-Crown King-Cordes Rd. (at Wagoner) to I-17 (Exit 259); south on the southbound lane of I-17 to the New River Road (Exit 232); west on the New River Road to State Highway 74; west on AZ Hwy 74 to the junction of AZ Hwy 74 and U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Hassayampa River.

Unit 20C -- Beginning at U.S. Hwy 93 and the Santa Maria River; northeasterly along the Santa Maria River to AZ Hwy 96; easterly on AZ Hwy 96 to Kirkland Junction; southeasterly along the Kirkland Junction-Wagoner-Crown King-Cordes road to the Hassayampa River (at ~~Walnut Grove Wagoner~~); southwesterly along the Hassayampa River to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River.

Unit 21 -- Beginning on I-17 at the Verde River; southerly on the southbound lane of I-17 to the New River Road (Exit 232); east on New River Road to Fig Springs Road; northeasterly on Fig Springs Road to the Tonto National Forest boundary; southeasterly along this boundary to the Verde River; north along the Verde River to I-17.

Unit 22 -- Beginning at the junction of the Salt and Verde Rivers; north along the Verde River to Childs; easterly on the Childs-Strawberry ~~road Rd.~~ to the Tonto-Coconino National Forest boundary along the Mogollon Rim; easterly along this boundary to the Tonto-Sitgreaves National Forest boundary; easterly along this boundary to Tonto Creek; southerly along the east fork of Tonto Creek to the spring box, north of the Tonto Creek Hatchery, and continuing southerly along Tonto Creek to the Salt River; westerly along the Salt River to the Verde River; except those portions that are sovereign tribal lands of the Tonto Apache Tribe and the Fort McDowell Mohave-Apache Community.

Unit 23 -- Beginning at the confluence of Tonto Creek and the Salt River; northerly along Tonto Creek to the spring box, north of the Tonto Creek Hatchery, on Tonto Creek; northeasterly along the east fork of Tonto Creek to the Tonto-Sitgreaves National Forest boundary along the Mogollon Rim; east along this boundary to the Fort Apache Indian Reservation boundary; southerly along the reservation boundary to the Salt River; westerly along the Salt River to Tonto Creek.

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Unit 24A -- Beginning on AZ Hwy 177 in Superior; southeasterly on AZ Hwy 177 to the Gila River; northeasterly along the Gila River to the San Carlos Indian Reservation boundary; easterly, westerly and northerly along the reservation boundary to the Salt River; southwesterly along the Salt River to AZ Hwy 288; southerly on AZ Hwys 288 and 88 to U.S. Hwy 60; southwesterly on U.S. Hwy 60 to AZ Hwy 177.

Unit 24B -- Beginning on U.S. Hwy 60 in Superior; northeasterly on U.S. Hwy 60 to AZ Hwy 88; northerly on AZ Hwys 88 and 288 to the Salt River; westerly along the Salt River to Bush Hwy at the Blue Point Bridge; westerly on Bush Hwy to the Usery Pass ~~road Rd.~~ (Ellsworth ~~Road Rd.~~); southerly on the Usery Pass ~~road Rd.~~ to the Tonto National Forest Boundary; southeasterly along Forest boundary to Forest Route 77 (Peralta Rd.); southwesterly on Forest Route 77 (Peralta Rd.) to U.S. Hwy 60; easterly on U.S. Hwy 60 to Superior.

Unit 25M -- Beginning at 115th Ave. and the Gila River; easterly to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to AZ Hwy 347 (Maricopa Rd.); south on AZ Hwy 347 (Maricopa Rd.) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur Rd. to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia Rd.; east on Battaglia Rd. to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; northwesterly on U.S. Hwy 60 to the Meridian Extension (Maricopa-Pinal County Line); south on the Meridian Extension (Maricopa-Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila Indian Reservation boundary; north and west along the Gila River Indian Reservation boundary to 115th Ave.; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.

Unit 26M -- Beginning at the junction of I-17 and New River Rd. (Exit 232); west on New River Rd. to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwesterly along the Beardsley Canal to Indian School Rd.; west on Indian School Rd. to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Rd. (Exit 112); south on Oglesby Rd. to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east along Carefree Hwy to Cave Creek Rd.; northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on loop 101 to the Salt River; easterly along the Salt River to the Tonto National Forest boundary; southeasterly to Usery Pass Rd.; north on Usery Pass Rd. to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwesterly along this boundary to Fig Springs Rd.; southwesterly on Fig Springs Rd.; west on New River Rd. to I-17 (Exit 232); except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community and the Fort McDowell Mohave-Apache Community.

Unit 27 -- Beginning at the New Mexico state line and AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; north on U.S. Hwy 191 to ~~the~~ San Carlos-Morenci-Clifton ~~road Rd.~~; west on ~~the~~ San Carlos-Morenci-Clifton ~~road Rd.~~ to Eagle Creek; north along Eagle Creek to the San Carlos Apache Indian Reservation boundary; north along the San Carlos Apache Indian Reservation boundary to Black River; northeast along Black River to the East Fork of Black River; northeast along the East Fork of Black River to ~~the~~ Three Forks-Williams Valley-Alpine ~~road Rd.~~ (FR 249); easterly along ~~the~~ Three Forks-Williams Valley-Alpine ~~road Rd.~~ to U.S. Hwy 180; southeast on U.S. Hwy 180 to the New Mexico state line; south along the New Mexico state line to AZ Hwy 78.

Unit 28 -- Beginning at I-10 and the New Mexico state line; north along the state line to AZ Hwy 78; southwest on AZ Hwy 78 to U.S. Hwy 191; northwest on U.S. Hwy 191 to Clifton; westerly on the Clifton-Morenci-San Carlos ~~road Rd.~~ to Eagle Creek; northerly along Eagle Creek to the San Carlos Indian Reservation boundary; southerly and west along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to I-10 Exit 352; easterly on I-10 to the New Mexico state line.

Unit 29 -- Beginning on I-10 at the New Mexico state line; westerly on I-10 to the Bowie-Apache Pass ~~road Rd.~~; southerly on the Bowie-Apache Pass ~~road Rd.~~ to AZ Hwy 186; southeast on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the ~~Rucker-Turkey Creek~~ West Turkey Creek-Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon ~~road Rd.~~; easterly on ~~this road~~ the Rucker Canyon Rd. to ~~the~~ Tex Canyon ~~road Rd.~~; southerly on ~~this road~~ Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line; north along the state line to I-10.

Unit 30A -- Beginning at the junction of the New Mexico state line and U.S. Hwy 80; south along the state line to the U.S.-Mexico border; west along the border to U.S. Hwy 191; northerly on U.S. Hwy 191 to I-10 Exit 331; northeasterly on I-10 to the Bowie-Apache Pass ~~road Rd.~~; southerly on the Bowie-Apache Pass ~~road Rd.~~ to AZ Hwy 186; southeasterly on AZ Hwy 186 to AZ Hwy 181; south on AZ Hwy 181 to the ~~Rucker-Turkey Creek~~ West Turkey Creek - Kuykendall cutoff road; southerly on the Kuykendall cutoff road to Rucker Canyon ~~road Rd.~~; easterly on ~~this road~~ Rucker Canyon Rd. to ~~the~~ Tex Canyon ~~road Rd.~~; southerly on ~~this road~~ Tex Canyon Rd. to U.S. Hwy 80; northeast on U.S. Hwy 80 to the New Mexico state line.

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Unit 30B -- Beginning at U.S. Hwy 191 and the U.S.-Mexico border; west along the border to the San Pedro River; north along the San Pedro River to I-10 ~~Exit 334~~; northeasterly on I-10 to U.S. Hwy 191; southerly on U.S. Hwy 191 to the U.S.-Mexico border.

Unit 31 -- Beginning at Willcox Exit 340 on I-10; north on ~~the Willcox-Bonita-Klondyke road~~ Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; northerly along AZ Hwy 77 to the Gila River; northeast along the Gila River to the San Carlos Indian Reservation boundary; south then east and north along the reservation boundary to U.S. Hwy 70; southeast on U.S. Hwy 70 to U.S. Hwy 191; south on U.S. Hwy 191 to the 352 exit on I-10; southwest on I-10 to Exit 340.

Unit 32 -- Beginning at Willcox Exit 340 on I-10; ~~southwest on I-10 to the San Pedro River; northerly along the San Pedro River to U.S. Hwy 77; northerly along U.S. Hwy 77 to Aravaipa Creek; easterly along Aravaipa Creek to the Klondyke-Bonita-Willcox road; southerly on this road north on Fort Grant Rd. to Brookerson Rd.; north on Brookerson Rd. to Ash Creek Rd.; west on Ash Creek Rd. to Fort Grant Rd.; north on Fort Grant Rd. to Bonita; northerly on the Bonita-Klondyke Rd. to the junction with Aravaipa Creek; west along Aravaipa Creek to AZ Hwy 77; southerly along AZ Hwy 77 to the San Pedro River; southerly along the San Pedro River to I-10; northeast on I-10 to Willcox Exit 340 on I-10.~~

Unit 33 -- Beginning at Tangerine ~~road Rd.~~ and AZ Hwy 77; north and northeast on AZ Hwy 77 to the San Pedro River; southeast along the San Pedro River to I-10 at Benson; west on I-10 to Marsh Station ~~road Rd.~~ (Exit 289); northwest on the Marsh Station ~~road Rd.~~ to the Agua Verde ~~road Rd.~~; north on the Agua Verde ~~road Rd.~~ to its terminus then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary; then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine ~~road Rd.~~

Unit 34A -- Beginning in Nogales at I-19 and Grand Avenue in Nogales (U.S. Highway 89); northeast on Grand Avenue (U.S. Hwy. 89) to AZ Hwy 82; northeast on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to the Sahuarita road alignment; west along the Sahuarita road alignment to I-19 Exit 75; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 34B -- Beginning at AZ Hwy 83 and I-10 Exit 281; easterly on I-10 to the San Pedro River; south along the San Pedro River to AZ Hwy 82; westerly on AZ Hwy 82 to AZ Hwy 83; northerly on AZ Hwy 83 to I-10 Exit 281.

Unit 35A -- Beginning on the U.S.-Mexico border at the San Pedro River; west along the border to the Lochiel-Canelo Pass-Elgin ~~road Rd.~~; north on ~~this road~~ the Lochiel-Canelo Pass-Elgin Rd. to AZ Hwy 82; easterly on AZ Hwy 82 to the San Pedro River; south along the San Pedro River to the U.S.-Mexico border.

Unit 35B -- Beginning at Grand Avenue (U.S. Hwy 89) at the U.S.-Mexico border in Nogales; east along the U.S.-Mexico border to the Lochiel-Canelo Pass-Elgin ~~road Rd.~~; north on ~~this road~~ the Lochiel-Canelo Pass-Elgin Rd. to AZ Hwy 82; southwest on AZ Hwy 82 to Grand Avenue; southwest on Grand Avenue to the U.S.-Mexico border.

Unit 36A -- Beginning at the junction of Sandario ~~road Rd.~~ and AZ Hwy 86; southwesterly on AZ Hwy 86 to AZ Hwy 286; southerly on AZ Hwy 286 to the Arivaca ~~road Rd.~~; easterly on the Arivaca ~~road Rd.~~ to I-19; north on I-19 to the southern boundary of the San Xavier Indian Reservation boundary; westerly and northerly along the reservation boundary to the Sandario road alignment; north on Sandario ~~road Rd.~~ and to AZ Hwy 86.

Unit 36B -- Beginning at I-19 and Grand Avenue (U.S. Hwy 89) in Nogales; southwest on Grand Avenue to the U.S.-Mexico border; west along the U.S.-Mexico border to AZ Hwy 286; north on AZ Hwy 286 to the Arivaca ~~road Rd.~~; east on the Arivaca ~~road Rd.~~ to I-19; south on I-19 to Grand Avenue (U.S. Hwy 89).

Unit 36C -- Beginning at the junction of AZ Hwy 86 and AZ Hwy 286; southerly on AZ Hwy 286 to the U.S.-Mexico border; westerly along the border to the east boundary of the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; easterly on AZ Hwy 86 to AZ Hwy 286.

Unit 37A -- Beginning at the junction of I-10 and Tangerine ~~road Rd.~~ (Exit 240); southeast on I-10 to Avra Valley ~~road Rd.~~ (Exit 242); west on Avra Valley ~~road Rd.~~ to Sandario ~~road Rd.~~; south on Sandario ~~road Rd.~~ to AZ Hwy 86; southwest on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation boundary; north, east, and west along the reservation boundary to Battaglia ~~road Rd.~~; east on Battaglia ~~road Rd.~~ to Toltec Rd.; north on Toltec Rd. to I-10 (Exit 203); southeast on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287; east on AZ Hwy 287 to AZ Hwy 79 at Florence; southeast on AZ Hwy 79 to its junction with AZ Hwy 77; south on AZ Hwy 77 to Tangerine road Rd.; west on Tangerine road Rd. to I-10.

Unit 37B -- Beginning at the junction of AZ Hwy 79 and AZ Hwy 77; northwest on AZ Hwy 79 to U.S. Hwy 60; east on U.S. Hwy 60 to AZ Hwy 177; southeast on AZ Hwy 177 to AZ Hwy 77; southeast and southwest on AZ Hwy 77 to AZ Hwy 79.

Unit ~~37M~~ 38M -- Beginning at the junction of I-10 and Tangerine ~~road Rd.~~ (Exit 240); southeast on I-10 to Avra Val-

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ley ~~road Rd.~~ (Exit 242); west on Avra Valley ~~road Rd.~~ to Sandario ~~road Rd.~~; south on Sandario ~~road Rd.~~ to the San Xavier Indian Reservation boundary; south and east along the reservation boundary to I-19; south on I-19 to Sahuarita ~~road Rd.~~ (Exit 75); east on Sahuarita ~~road Rd.~~ to AZ Hwy 83; north on AZ Hwy 83 to I-10 (Exit 281); east on I-10 to Marsh Station ~~road Rd.~~ (Exit 289); northwest on Marsh Station ~~road Rd.~~ to the Agua Verde ~~road Rd.~~; north on the Agua Verde ~~road Rd.~~ to its terminus, then north 1/2 mile to the Coronado National Forest boundary; north and west along the National Forest boundary, then west, north, and east along the Saguaro National Park boundary; continuing north and west along the Coronado National Forest boundary to the southern boundary of Catalina State Park; west along the southern boundary of Catalina State Park to AZ Hwy 77; north on AZ Hwy 77 to Tangerine ~~road Rd.~~; west on Tangerine ~~road Rd.~~ to I-10.

Unit 39 -- Beginning at AZ Hwy 85 and the Gila River; east along the Gila River to the western boundary of the Gila River Indian Reservation; southeasterly along the reservation boundary to ~~Maricopa road~~ AZ Hwy 347 (Maricopa Rd.); south on ~~this road~~ AZ Hwy 347 (Maricopa Rd.) to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur ~~road Rd.~~ to I-8; westerly on I-8 to Exit 87; ~~north northerly~~ on the ~~Sentinel-Sundad road~~ Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on ~~Lahman Rd., which becomes Agua Caliente Rd.~~ northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; to the Cotton Center Palo Verde road; northeasterly on the Cotton Center Palo Verde road to AZ Hwy 85; southerly on AZ Hwy 85 to the Gila River; except those portions that are sovereign tribal lands of the Tohono O'odham Nation and the Ak-Chin Indian Community.

~~Unit 39M -- Beginning at I-10 and the Salt River; westerly along the Salt River to the Gila River; westerly along the Gila River to the western boundary of the Gila Indian Reservation; southeasterly along the reservation boundary to Maricopa road; south on Maricopa road to AZ Hwy 84; east on AZ Hwy 84 to Stanfield; south on the Stanfield-Cocklebur road to the Tohono O'odham (Papago) Indian Reservation; easterly along the reservation boundary to Battaglia road; east on this road to I-10 (Exit 203); southeasterly on I-10 to AZ Hwy 87 (Exit 211); north on AZ Hwy 87 to AZ Hwy 287 north of Coolidge; east on AZ Hwy 287 to AZ Hwy 79; north on AZ Hwy 79 to U.S. Hwy 60; westerly on U.S. Hwy 60 to I-10; westerly on I-10 to the Salt River; except those portions that are sovereign tribal lands of the Gila River Indian Community and the Ak-Chin Indian Community.~~

Unit 40A -- Beginning at Ajo; southeasterly on AZ Hwy 85 to Why; southeasterly on AZ Hwy 86 to the Tohono O'odham (Papago) Indian Reservation; northerly and easterly along the reservation boundary to the Cocklebur-Stanfield ~~road Rd.~~; north on ~~this road~~ the Cocklebur-Stanfield Rd. to I-8; westerly on I-8 to AZ Hwy 85; southerly on AZ Hwy 85 to Ajo.

Unit 40B -- Beginning at Gila Bend; westerly on I-8 to the Colorado River; southerly along the Colorado River to the Mexican border at San Luis; southeasterly along the border to the Cabeza Prieta National Wildlife Refuge; northerly, easterly and southerly around the refuge boundary to the Mexican border; southeast along the border to the Tohono O'odham (Papago) Indian Reservation; northerly along the reservation boundary to AZ Hwy 86; northwesterly on AZ Hwy 86 to AZ Hwy 85; north on AZ Hwy 85 to Gila Bend; except those portions that are sovereign tribal lands of the Cocopah Tribe.

Unit 41 -- Beginning at I-8 and AZ Hwy 95 (in Yuma); easterly on I-8 to exit 87; northerly on the ~~Sentinel-Sundad road to the Cotton Center Palo Verde road; northerly and easterly on the Cotton Center Palo Verde road to AZ Hwy 85~~ Agua Caliente Rd. to the Hyder Rd.; northeasterly on Hyder Rd. to 555th Ave.; north on 555th Ave. to Lahman Rd.; east on Lahman Rd., which becomes Agua Caliente Rd.; northeasterly on Agua Caliente Rd. to Old Hwy 80; northeasterly on Old Hwy 80 to Arizona Hwy 85; northerly on AZ Hwy 85 to Oglesby ~~road Rd.~~; north on Oglesby ~~road Rd.~~ to I-10; westerly on I-10 to Exit 45; southerly on Vicksburg-Kofa National Wildlife Refuge ~~road Rd.~~ to the Refuge boundary; easterly, southerly, westerly, and northerly along the boundary to the Castle Dome ~~road Rd.~~; southwesterly on the Castle Dome ~~road Rd.~~ to U.S. Hwy 95; southerly on U.S. Hwy 95 to I-8.

Unit 42 -- Beginning at the junction of the Beardsley Canal and U.S. Hwy 93 (U.S. 89, U.S. 60); northwesterly on U.S. Hwy 93 to AZ Hwy 71; southwest on AZ Hwy 71 to U.S. Hwy 60; westerly on U.S. Hwy 60 to Aguila; south on the Eagle Eye ~~road Rd.~~ to the Salome-Hassayampa ~~road Rd.~~; southeasterly on ~~this road~~ the Salome-Hassayampa Rd. to I-10 (Exit 81); easterly on I-10 to Jackrabbit Trail (Exit 121); north along ~~this road~~ Jackrabbit Trail to the Indian School road; east along Indian School ~~road Rd.~~ to the Beardsley Canal; northeasterly along the Beardsley Canal to U.S. Hwy 93.

~~Unit 42M -- Beginning at the junction of I-17 and the New River Road (Exit 232); west on New River Road to AZ Hwy 74; west on AZ Hwy 74 to the junction with U.S. Hwy 93; southeasterly on U.S. Hwy 93 to the Beardsley Canal; southwest along the Beardsley Canal to Indian School road; west on Indian School road to Jackrabbit Trail; south on Jackrabbit Trail to I-10 (Exit 121); west on I-10 to Oglesby Road (Exit 112); south on Oglesby road to AZ Hwy 85; south on AZ Hwy 85 to the Gila River; east along the Gila River to the Salt River; east along the Salt River to I-10; easterly on I-10 to U.S. Hwy 60; east on U.S. Hwy 60 to the Usery Pass road (Ellsworth Road); north on the Usery Pass road to Bush Hwy; easterly on Bush Hwy to the Salt River at the Blue Point Bridge; westerly along~~

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the Salt River to the Verde River; northerly along the Verde River to the Tonto National Forest boundary; northwest-
erly along this boundary to the Fig Springs; southwestly on Fig Springs Road; west on New River Road to I-17
(Exit 232); except those portions that are sovereign tribal lands of the Salt River Pima-Maricopa Indian Community
and the Fort McDowell Mohave-Apache Community.

Unit 43A -- Beginning at AZ Hwy 95 and the Bill Williams River; west along the Bill Williams River to the Arizona-
California state line; southerly to the south end of Cibola Lake; northerly and easterly on the Cibola Lake ~~road Rd.~~ to
U.S. Hwy 95; south on U.S. Hwy 95 to the Stone Cabin-King Valley ~~road Rd.~~; east along the Stone Cabin-King Val-
ley ~~road Rd.~~ to the west boundary of the Kofa National Wildlife Refuge; northerly along the refuge boundary to the
Crystal Hill ~~road Rd.~~; northwesterly on ~~this road~~ the Crystal Hill Rd. to U.S. Hwy 95; northerly on U.S. Hwy 95 to
the Bill Williams River; except those portions that are sovereign tribal lands of the Colorado River Indian Tribes.

Unit 43B -- Beginning at the south end of Cibola Lake; southerly along the Arizona-California state line to I-8; south-
easterly on I-8 to U.S. Hwy 95; easterly and northerly on U.S. Hwy 95 to the Castle Dome road; northeast on ~~this~~
~~road~~ the Castle Dome Rd. to the Kofa National Wildlife Refuge boundary; north along the refuge boundary to the
Stone Cabin-King Valley ~~road Rd.~~; west along ~~this road~~ the Stone Cabin-King Valley Rd. to U.S. Hwy 95; north on
U.S. Hwy 95 to the Cibola Lake ~~road Rd.~~; west and south on ~~this road~~ the Cibola Lake Rd. to the south end of Cibola
Lake; except those portions that are sovereign tribal lands of the Quechan Tribe.

Unit 44A -- Beginning at U.S. Hwy 95 and the Bill Williams River; south along U.S. Hwy 95 to AZ Hwy 72; south-
easterly on AZ Hwy 72 to Vicksburg; south on the Vicksburg-Kofa National Wildlife Refuge ~~road Rd.~~ to I-10; east-
erly on I-10 to the Salome-Hassayampa ~~road Rd.~~ (Exit 81); northwesterly on ~~this road~~ the Salome-Hassayampa Rd. to
Eagle Eye ~~road Rd.~~; northeasterly on Eagle Eye ~~road Rd.~~ to Aguila; east on U.S. Hwy 60 to AZ Hwy 71; northeast-
erly on AZ Hwy 71 to U.S. Hwy 93; northwesterly on U.S. Hwy 93 to the Santa Maria River; westerly along the
Santa Maria and Bill Williams rivers to U.S. Hwy 95; except those portions that are sovereign tribal lands of the Col-
orado River Indian Tribes.

Unit 44B -- Beginning at Quartzite; south on U.S. Hwy 95 to the Crystal Hill ~~road Rd.~~; east on ~~this road~~ the Crystal
Hill Rd. to the Kofa National Wildlife Refuge; north and east along the refuge boundary to the Vicksburg-Kofa
National Wildlife Refuge ~~road Rd.~~; north on ~~this road~~ the Vicksburg-Kofa National Wildlife Refuge Rd. to AZ Hwy
72; northwest on AZ Hwy 72 to U.S. Hwy 95; south on U.S. Hwy 95 to Quartzite.

Unit 45A -- Beginning at the junction of the Stone Cabin-King Valley ~~road Rd.~~ and Kofa National Wildlife Refuge
boundary; east on the Stone Cabin-King Valley ~~road Rd.~~ to O-O Junction; north from O-O Junction on the Kofa Mine
~~road Rd.~~ to the Evening Star Mine; north on a line over Polaris Mountain to Midwell; north on the Midwell-Alamo
Spring-Kofa Cabin ~~road Rd.~~ to the El Paso Natural Gas Pipeline ~~Road Rd.~~; north on a line from the junction to the
north boundary of the Kofa National Wildlife Refuge; west and south on the boundary line to Stone Cabin-King Val-
ley ~~Road Rd.~~

Unit 45B -- Beginning at O-O Junction; north from O-O Junction on the Kofa Mine ~~road Rd.~~ to the Evening Star
Mine; north on a line over Polaris Mountain to Midwell; north on the Midwell-Alamo Spring-Kofa Cabin ~~road Rd.~~ to
the El Paso Natural Gas Pipeline ~~Road Rd.~~; north on a line from the junction to the north Kofa National Wildlife Ref-
uge boundary; east to the east refuge boundary; south and west along the Kofa National Wildlife Refuge boundary to
the Stone Cabin-King Valley ~~road Rd.~~; north and west on ~~this road~~ the Stone Cabin-King Valley Rd. to O-O Junction.

Unit 45C -- Beginning at the junction of the Stone Cabin-King Valley ~~road Rd.~~ and Kofa National Wildlife Refuge;
south, east, and north along the refuge boundary to the Stone Cabin-King Valley ~~road Rd.~~; north and west on ~~this road~~
the Stone Cabin-King Valley Rd. to the junction of the Stone Cabin-King Valley ~~road Rd.~~ and Kofa National Wildlife
Refuge boundary.

Unit 46A -- That portion of the Cabeza Prieta National Wildlife Refuge east of the Yuma-Pima County line.

Unit 46B -- That portion of the Cabeza Prieta National Wildlife Refuge west of the Yuma-Pima County line.

Unit 47M -- Beginning at the junction of I-17 and the Carefree Hwy; east along the Carefree Hwy to Cave Creek Rd.;
northeast along Cave Creek Rd. to Pima Rd.; south on Pima Rd. to Loop 101; south on Loop 101 to the Salt River;
easterly along the Salt River to the Tonto National Forest boundary; northeasterly to the Tonto National Forest bound-
ary; southeasterly along the Forest boundary to Forest Rd. 77 (Peralta Rd.); southwesterly on Forest Road 77 (Peralta
Rd.) to U.S. Hwy 60; northwesterly on U.S. Hwy 60 to the Meridian Extension (Maricopa-Pinal County Line); south
on the Meridian Extension (Maricopa-Pinal County Line) to Empire Blvd.; west on Empire Blvd. to the Gila River
Indian Reservation boundary; north and west along the Gila River Indian Reservation boundary to the Gila River;
west along the Gila River to 115th Ave.; north on 115th Ave. to I-10; west along I-10 to Litchfield Rd.; north on
Litchfield Rd. to Bell Rd.; east on Bell Rd. to the New River; north along the New River to the Carefree Hwy; east
along Carefree Hwy to I-17.

- D. This rule is effective July 1, 2000 for all Units except Units 20B, 21, and 42M. The subsections governing Units 20B, 21,
and 42M are effective July 1, 2001. This Section is effective July 1, 2006.

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R12-4-110. Posting and ~~access to state land~~ Access to State Land

- A. For the purpose of this rule ~~Section~~:
1. "Corrals," "feed lots," or "holding pens" mean completely fenced areas used to contain livestock for purposes other than grazing, including feeding, roundup, branding, doctoring, and other related purposes.
 2. ~~"Road" includes "Existing road"~~ means any maintained or unmaintained road, way, highway, trail or path that has been ~~utilized by the public~~ used for motorized vehicular travel and clearly shows or has a history of established vehicle use.
 3. "State lands" means all land owned or held in trust by the state of Arizona ~~which that~~ is managed by the ~~Arizona~~ State Land Department and lands ~~which that~~ are owned or managed by the ~~Arizona~~ Game and Fish Commission.
 4. ~~"Trail" means a path that clearly shows or has a history of established use.~~
- B. In addition to those prohibitions against posting in A.R.S. § 17-304, ~~no person~~ an individual shall ~~not~~ lock a gate, construct a fence, place an obstacle or otherwise commit an act ~~which that~~ denies legally available access to or use of any existing ~~trail or~~ road upon state lands by persons lawfully taking or retrieving wildlife. ~~Any person~~ An individual in violation of this rule ~~Section~~ shall ~~be responsible for taking~~ take immediate corrective action to remove any ~~locks, fences or other obstacles~~ lock, fence, or other obstacle that unlawfully blocking blocks access ~~upon to~~ state lands. If immediate corrective action is not taken, a representative of the Department may remove any unlawful posting and remove any ~~locks~~ lock, fences fence, or other obstacles obstacle that unlawfully blocking blocks access ~~upon to~~ state lands. In addition, the Department may take appropriate legal action to recover expenses incurred in the removal of any unlawful ~~postings or obstacles blocking posting or obstacle that blocks~~ access ~~upon to~~ state land.
- C. The provisions of this rule ~~shall not grant~~ Section do not allow any ~~person~~ the right individual to trespass upon private land to gain access to ~~any~~ state land.
- D. ~~State~~ An individual may post state lands within 1/4 mile of any occupied residence, cabin, lodge, or other building and lands within corrals, feed lots, or holding pens containing concentrations of livestock other than for grazing purposes, ~~may be posted against as closed to hunting, fishing, or trapping without further action of by the Commission.~~
- E. ~~State~~ An individual may post state lands other than those referred to in subsection (D) ~~of this rule may be posted to prohibit as closed to hunting, fishing, or trapping only by if the individual has obtained a permit from the Commission if, and the Commission determines that the closing is necessary:~~
1. Because the taking of wildlife ~~would constitute~~ constitutes an unusual hazard to permitted users;
 2. To prevent unreasonable destruction of plant life or habitat; or
 3. For proper ~~resources~~ resource conservation, ~~utilization and use, or~~ protection, including but not limited to high fire danger, excessive interference with mineral development, developed agricultural land, or timber or livestock operations.
- F. ~~Applications~~ An individual shall submit an application for posting state land to prohibit hunting, fishing, or trapping ~~pursuant to under subsection (E), or to close a an existing road or trail pursuant to subsection (I) shall be submitted pursuant to under subsection (J), as required by R12-4-610. When If an application to close state land to hunting, fishing, and or trapping is made by a person an individual other than the state land lessee, the Department shall provide notice shall be given to the lessee and the State Land Commissioner prior to consideration of before the Commission considers the application by the Commission. The lessee of the state land lessee or the State Land Commissioner shall have 15 file any objections in writing within 30 days after receipt of notice within which to file objections in writing to the application, after which the matter shall be submitted to the Commission for determination.~~
- G. ~~A person~~ An individual may ~~utilize~~ use a vehicle on or off a road to pick up ~~legally killed~~ lawfully taken big game animals.
- H. The closing of state land to hunting, fishing, or trapping shall not ~~be deemed to~~ restrict any other permitted use of the land.
- I. State trust land may be posted with signs that read "State Land No Trespassing" but such posting shall not prohibit access to such land by ~~persons~~ any individual lawfully taking or retrieving wildlife.
- J. ~~Permission~~ The Commission may grant permission to lock or obliterate a gate or ~~to close a road or trail providing that provides~~ legally available access to state lands for licensed hunters and fishermen ~~to state trust lands may be granted by the Commission when if access to such lands is provided by a reasonable alternate route. The Under R12-4-610, the Director may grant a permit for to a state land lessee of state trust lands to temporarily lock a gate or close a an existing road providing that provides access in an area of such to state lands where persons if the taking of wildlife would will cause an unreasonable interference during a critical livestock or commercial operation. Said This permit shall not exceed 30 days. Applications for permits in excess of for more than 30 days shall be submitted to the Commission for approval. When If a permit is issued granting to temporarily close a temporary road or gate closure, a copy of the permit shall be posted at the point of the closure during the period of the closure.~~
- K. ~~When exercising hunting, fishing and, or trapping privileges on state land, no licensee a license holder shall not:~~
1. Break or remove any lock or cut any fence to gain access to state land;
 2. Open and not immediately close a gate;
 3. Intentionally or wantonly destroy, deface, injure, remove, or disturb any building, sign, equipment, marker, or other property;

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- ~~3 4.~~ Harvest or remove any vegetative or mineral resources or object of ~~antiquity~~ archaeological, historic, or scientific interest;
- ~~4 5.~~ Appropriate, mutilate, deface, or destroy any natural feature, object ~~or of~~ of natural beauty, antiquity, or other public or private property;
- ~~5 6.~~ Dig, remove, or destroy any tree or shrub;
- ~~6 7.~~ Gather or collect renewable or non-renewable resources for the purpose of sale or barter unless specifically permitted or authorized by law; or
- ~~7 8.~~ Drive or operate motorized vehicles or otherwise conduct himself in a manner that may result in unnecessary frightening or chasing of domestic livestock or wildlife or that unnecessarily endangers the lives or the safety of others. Frighten or chase domestic livestock or wildlife, or endanger the lives or safety of others when using a motorized vehicle or other means.

R12-4-111. Identification Number

~~A.~~ An applicant for a Department identification number may either:

1. Assign his or her own number by using his or her social security number; or
2. Obtain a number from the Department by providing the Department with full name and any aliases, date of birth, and mailing address.

~~B.~~ This rule is effective January 1, 1995.

R12-4-112. ~~Diseased, or injured wildlife~~ Injured, or Chemically Immobilized Wildlife

- A. The Director may authorize Department employees to condemn, ~~upon request of a licensee,~~ the carcass of a lawfully taken and lawfully possessed ~~diseased, or injured, big game animal or chemically immobilized wildlife taken under any permit tag~~ that is, in the opinion of the employee, unfit for human consumption, if the individual who took the wildlife requests it and this condition was not created by the actions of the person individual who took the animal wildlife. A Department employee may condemn wildlife that is chemically immobilized if the wildlife was taken during the established withdrawal period of that immobilizing drug.
- B. ~~The entire big game animal so condemned shall be surrendered~~ The individual who took the wildlife shall surrender the entire condemned wildlife carcass and any parts thereof to the Department employee.
- C. After condemnation and surrender of the ~~big game wildlife,~~ the licensee may be authorized in writing, by the Department employee, Department employee shall provide written authorization to the individual who took the wildlife to purchase and use a duplicate tag. Such tag may be purchased The license holder may purchase the tag from any dealer where the tag is available. The license dealer shall forward the written authorization to the Department with the report of the tag sale.

R12-4-113. ~~Small game depredation permit~~ Game Depredation Permit

- A. ~~Pursuant to Under~~ A.R.S. § 17-239(D), the Commission ~~finds~~ determines that it is impractical to resolve property damage problems caused by small game by establishing special seasons or bag limits for the purpose of ~~cropping taking~~ small game by hunters. The Commission ~~does find it practical~~ finds it necessary to waive license fees, bag limits, and seasons for small game ~~depredation causing property damage.~~
- B. The Department ~~may therefore shall~~ issue a ~~nonfee complimentary~~ small game depredation permit to take small game to ~~the a~~ landowner, lessee, livestock operator, or municipality suffering property damage, ~~when if~~ if the Department determines that all other remedies ~~to in~~ A.R.S. § 17-239(A), (B), and (C) have been exhausted and the take of ~~such the~~ small game is necessary to alleviate the damage ~~being caused.~~ A small game depredation permit is not valid for migratory birds ~~only when unless~~ the permittee permit holder obtains a federal special purpose permit ~~pursuant to under~~ 50 CFR 21.27, revised October 1, 1988, not including any later amendments or editions, which is incorporated by reference herein. A copy of the incorporated matter is ~~on file with the Secretary of State and~~ available for inspection at any Department office, or it may be ordered from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.
- C. Notwithstanding the requirements of R12-4-304; ~~and~~ R12-4-318; ~~and R12-4-309,~~ persons individuals or municipalities issued a small game depredation permit ~~pursuant to under~~ this rule Section may take depredating small game by whatever safe and humane means are practical for the particular situation.

R12-4-114. Issuance of Nonpermit-tags and Hunt Permit-tags

- A. In accordance with A.R.S. § 17-332 and the provisions of this Section, the Department shall annually provide numbered tags for sale to the public. The Department shall ensure that each tag includes a transportation and shipping permit as prescribed in A.R.S. §§ 17-332 and 17-371, and that each tag is made of tear-resistant material with an adhesive back covered by a detachable paper backing and clearly identifies the animal for which the tag is valid.
- B. If the Commission establishes a big game season for which a hunt number is not assigned, the Department or its authorized agent, or both, shall sell nonpermit-tags.
 1. To obtain a nonpermit-tag, an applicant shall provide to a license dealer or Department office the applicant's name, home mailing address, and Department identification number.
 2. An applicant shall not apply for or obtain nonpermit-tags in excess of the bag limit prescribed by the Commission when it established the season for which the nonpermit-tags are valid.

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- C. If the number of hunt permits for a species in a particular hunt area must be limited, a Commission ~~order~~ Order establishes a hunt number for that hunt area, and a hunt permit-tag is required to take the species in that hunt area.
1. To apply for a hunt permit-tag, an applicant shall submit an application under R12-4-104.
 2. The Department shall use the following procedure to determine whether a hunt permit-tag will be issued to an applicant:
 - a. The Department shall reserve a maximum of 20% of the hunt ~~permits~~ permit-tags for each hunt number for antelope, bear, deer, elk, javelina, and turkey to issue to individuals and groups that have bonus points. The Department shall reserve a maximum of 20% of the hunt permit-tags for all hunt numbers combined statewide for bighorn sheep and buffalo to issue to individuals and groups who that have bonus points that have been issued according to R12-4-107.
 - b. The Department shall issue the reserved hunt permit-tags for hunt numbers designated by eligible applicants as their first or second choices. The Department shall issue the reserved hunt permit-tags by random selection:
 - i. First, to eligible applicants with the ~~greatest~~ highest number of bonus points for that genus;
 - ii. Next, if there are reserved hunt permit-tags remaining, to eligible applicants with the next ~~greatest~~ highest number of bonus points for that genus; and
 - iii. If there are still tags remaining, to the next eligible applicants with the next ~~greatest~~ highest number of bonus points; continuing in the same manner until all of the reserved tags have been issued or until there are no more applicants for that hunt number who have bonus points.
 - c. The Department shall ensure that the first selection from all unreserved hunt permit-tags is by random drawing.
 - d. If the bag limit established by Commission ~~order~~ Order is more than one per calendar year, or if there are hunt permit-tags remaining unissued after the random drawings, the Department shall ensure that these hunt permit-tags are available on a set date on a first-come, first-served basis as specified in the hunt permit-tag application schedule published annually ~~by, and available from, the Department.~~
- D. The Department shall ~~ensure that no~~ not make available more than one hunt permit-tag or 10% of the total available hunt permit-tags, whichever is greater, for bighorn sheep or buffalo hunt permit-tags in any calendar year are issued draw to nonresidents and that no. The Department shall ~~not make available~~ more than 50% nor more than two bighorn sheep or buffalo hunt permit-tags of the total ~~available~~ in any hunt number ~~are issued to nonresidents.~~
- E. The Department shall ~~set aside 15% of the total available bighorn sheep hunt permit-tags in any calendar year, rounded down to the nearest whole number, to be issued to nonresidents and shall ensure that no more than 50% nor more than two bighorn sheep hunt permit tags of the total available in any hunt number are issued to nonresidents.~~ The Department shall not make available more than 10%, rounded down, of the total hunt permit-tags in any hunt number to nonresidents for antelope, antlered deer, bull elk, javelina, or turkey. If a hunt number for antelope, antlered deer, bull elk, javelina or turkey has 10 hunt permit-tags or fewer, no more than one hunt permit-tag will be made available to a nonresident, except that if a hunt number has only one hunt permit-tag, that tag shall only be available to a resident.
- F. Any cap established under this Section applies only to hunt permit-tags issued by random drawing under subsections (C)(2)(b) and (c).

R12-4-115. Supplemental Hunts and Hunter Pool

- A. For the purposes of this Section, the following definitions apply:
1. "Management objectives" means goals, recommendations, or guidelines contained in Commission-approved wildlife management plans, which include hunt guidelines, operational plans, or hunt recommendations;
 2. "Hunter pool" means all individuals who have submitted an application for a supplemental hunt; and
 3. "Supplemental hunt" means a season established by the Commission for the following purposes:
 - a. Take of depredating wildlife under A.R.S. § 17-239;
 - b. Take of wildlife under an Emergency Season if the Commission adopts, amends, or repeals a Commission ~~order~~ Order for reasons constituting an immediate threat to the health, safety, or management of wildlife or its habitat or to public health or safety; or
 - c. Take of wildlife under a population management hunt if the Commission has prescribed restricted nonpermit-tags by Commission ~~order~~ Order for the purpose of meeting management objectives because regular seasons are not, have not been, or will not be sufficient or effective to achieve management objectives.
- B. For the purposes of authorizing a population management hunt, the Commission through Commission ~~order~~ Order shall open a season or seasons and prescribe a maximum number of restricted nonpermit-tags that the Director may issue under this Section.
- C. The Director shall implement a population management hunt under the open season or seasons prescribed in subsection (B) if the Director finds that:
1. Regular seasons have not met or will not meet management objectives;
 2. Take of wildlife is necessary to meet management objectives; and
 3. Issuance of a specific number of restricted nonpermit-tags is likely to meet management objectives.
- D. To implement a population management hunt under subsection (B), the Director shall do the following:
1. Select season dates, within the range of dates prescribed by the Commission through Commission ~~order~~ Order;

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2. Select specific hunt areas, within the range of hunt areas prescribed by the Commission through Commission ~~order~~ Order;
 3. Select the legal animal that may be taken from the list of legal animals prescribed by the Commission through Commission ~~order~~ Order;
 4. Determine the number of restricted nonpermit-tags that will be issued from the maximum number of tags prescribed by the Commission through Commission ~~order~~ Order; and
 5. Reduce restricted nonpermit-tag fees up to 75% if the normal fee structure will not generate adequate participation from either the hunter pool or hunt permit-tag holders under subsection (G)(J).
- E. The Director shall not issue more restricted nonpermit-tags than the maximum number prescribed by the Commission through Commission ~~order~~ Order.
- F. To participate in a supplemental hunt, an individual shall obtain a restricted non-permit tag as prescribed by this Section. A restricted non-permit tag is valid only for the supplemental hunt for which it is issued.
- G. If the season dates and open areas of a supplemental hunt prescribed by the Commission through Commission Order exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw, the Department shall make the restricted nonpermit-tags available only to holders of the hunt permit-tags, and not the hunter pool.
- H. To obtain a restricted nonpermit-tag under subsection (G), an applicant shall provide to a Department office the applicant's name, address, Department identification number, and hunt permit-tag number on a form prescribed by the Department.
- a. The applicant shall provide verification that the applicant legally obtained the hunt permit-tag for the hunt described under subsection (G) by presenting the hunt permit-tag to a Department office for verification.
 - b. The applicant shall not apply for or obtain a restricted nonpermit-tag to take wildlife in excess of the bag limit prescribed by the Commission.
- I. The Department or its authorized agent shall maintain a hunter pool for supplemental hunts and shall randomly select applicants from the hunter pool for participation in a supplemental hunt, if the season dates and open areas of the supplemental hunt do not exactly match the season dates and open areas of another big game animal for which a hunt number is assigned and hunt permit-tags are issued through the draw.
- J. When issuing restricted nonpermit-tags to the hunter pool, the Department or its authorized agent shall randomly select applicants from the hunter pool. The Department or its authorized agent shall attempt to contact each randomly-selected applicant by telephone at least three times during a 24-hour period. If an applicant cannot be contacted or cannot participate in the supplemental hunt, the Department or its authorized agent shall return the application to the hunter pool and draw another application. The Department or its authorized agent shall draw no more applications after the number of restricted nonpermit-tags prescribed in subsection (D)(4) has been issued.
- K. The Department shall purge and renew the hunter pool annually.
- L. An applicant for a supplemental hunt shall submit the following information on a form available from the Department or its authorized agent:
1. Applicant's name, home mailing address, whether a resident or nonresident, and date of birth;
 2. Daytime and evening telephone numbers;
 3. The species that the applicant would like to hunt if drawn; and
 4. The number of the applicant's hunting license for the year that corresponds with the applicable supplemental hunt.
- M. Along with the application form, an applicant for a supplemental hunt shall submit the permit application fee prescribed in R12-4-102.
- N. The Department shall not accept group applications, as described in R12-4-104, for supplemental hunts.
- O. A hunter pool applicant who is drawn and who wishes to participate in a supplemental hunt shall submit the following to the Department to obtain a restricted nonpermit-tag:
1. The fee for the tag as prescribed by R12-4-102, or as prescribed by subsection (D)(5) if the fee has been reduced, and
 2. The number of the applicant's hunting license, valid for the year of the supplemental hunt.
- P. The Department shall reserve a restricted nonpermit-tag for an applicant only for the period specified by the Department when contact is made with the applicant. ~~A The Department shall issue a~~ restricted nonpermit-tag not purchased within the specified period ~~shall be issued~~ to another applicant individual whose application is drawn from the hunter pool as prescribed by this Section. The Department or its authorized agent shall remove from the hunter pool the application of any successful applicant who does not purchase a tag after being contacted and agreeing to purchase the tag.
- Q. An individual who participates in a supplemental hunt through the hunter pool shall be removed from the supplemental hunter pool for the genus for which the individual participated. An individual who participates in a supplemental hunt shall not reapply for the hunter pool for that genus until that hunter pool is renewed.
- ~~Q R.~~ The provisions of R12-4-104, R12-4-107, R12-4-114, and R12-4-609 do not apply to supplemental hunts. A supplemental hunt application submitted in accordance with this Section does not invalidate any application for a hunt permit-tag. The issuance of a restricted nonpermit-tag does not authorize an individual to exceed the bag limit established by the Commission ~~for that calendar year~~.

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R12-4-116. Reward ~~payments~~ Payments

- A. Subject to the restrictions in A.R.S. § 17-315, any person may claim a reward for providing information to the Department and shall be eligible to receive a reward as prescribed in subsections (D) or (E) of this rule provided that Subject to the restrictions in A.R.S. § 17-315, an individual may claim a reward from the Department if the individual provides information that leads to an arrest through the Operation Game Thief Program. The individual who reports the unlawful activity will then become eligible to receive a reward as prescribed in subsections (C) and (D), provided that:
1. Funds are available in the wildlife theft prevention fund; and
 2. The claimant requests payment of the reward via the "operation game thief" telephone reporting system and provides the control number prescribed in subsection (B) of this rule The individual who reported the violation provides the Operation Game Thief control number issued by Department law enforcement personnel, as prescribed in subsection (B); and
 3. When more than one person provides information or evidence leading to an arrest for a single incident, the reward may be divided among the persons supplying information in amounts commensurate with the information or evidence supplied. Once the maximum amount has been paid on any case, no subsequent claim shall be paid If more than one individual provides information or evidence that leads to an arrest for a violation, the Department may divide the reward payment among the individuals that provided the information if the total amount of the reward payment does not exceed the maximum amount of a monetary reward prescribed in subsections (C) or (D); and
 4. Rewards shall not be paid to individuals who provide information resulting in their own arrest The information provided relates to a violation of any provisions of A.R.S. Title 17, A.A.C. Title 12, Chapter 4, or federal wildlife laws enforced by and under the jurisdiction of the Department, but not on Indian Reservations; and
 5. Rewards apply only to violations of A.R.S. Title 17 and the rules promulgated thereunder or to federal wildlife violations occurring within Arizona not including on Indian reservations. The individual who reports the violation is not the individual who committed the violation, the individual did not provide information during a criminal investigation or judicial proceeding, or the individual is not a peace officer, a Department employee, or an immediate family member of a Department employee.
- B. The Department shall advise all individuals providing information that rewards are available and the procedure for claiming a reward. The Department shall also provide each individual with the control number assigned to the reported incident The Department shall inform an individual who provides information regarding a wildlife violation of the procedure for claiming a reward if the information results in an arrest. The Department shall also provide the individual with the control number assigned to the reported violation.
- C. The Department shall verify that the information provided did lead to an arrest before paying a reward. The following are the criteria for reward payments for information that results in an arrest for the reported violation:
1. For cases that involve bighorn sheep, buffalo, elk, or bald eagles, \$350;
 2. For cases that involve antelope, bear, deer, javelina, mountain lion, turkey, or endangered or threatened wildlife as defined in R12-4-401, \$250;
 3. For cases that involve wildlife that are not covered in subsections (C)(1) or (2), a minimum of \$50, not to exceed \$150, unless excepted under subsection (C)(4); and
 4. For cases that involve any wildlife, an additional \$1,000 may be made available based on:
 - a. The value of the information;
 - b. The unusual value of the wildlife;
 - c. The number of individual animals taken;
 - d. Whether or not the individual who committed the unlawful act was arrested for commercialization of wildlife; and
 - e. Whether or not the individual who committed the unlawful act is a repeat offender.
- D. Following is the schedule of reward payments per case:
1. In cases involving bighorn sheep, buffalo, elk or bald eagles, \$350;
 2. In cases involving deer, antelope, lion, bear, turkey, javelina or endangered or threatened species as defined in R12-4-401, \$250; or
 3. One-half the minimum value established by A.R.S. § 17-314 up to \$150, but not less than \$50, in cases involving wildlife not listed in subsection (D)(1) or (D)(2) of this subsection; or
 4. In cases not covered in subsection (D)(1), or (D)(2), or (D)(3) of this subsection, \$50.
 5. In cases involving any big game animal or bald eagle, or endangered or threatened species, up to \$1,000 may be paid, based on the value of the information provided and:
 - a. The unusual value of an animal; or
 - b. The number of animals taken; or
 - e. Arrest for commercialization of wildlife; or
 - d. The arrest of a repeat offender.
- E. Subsection (D) of this rule notwithstanding Notwithstanding subsection (C), the Department may offer and pay a reward up to the minimum civil value of the wildlife lost, unlawfully taken, as established by prescribed in A.R.S. § 17-314, when

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if a violation is discovered and the Department believes that a reward may result in sufficient information to make an arrest.

R12-4-117. Indian ~~reservations~~ Reservations

No ~~A~~ state license, tag, or permit is ~~not~~ required to hunt or fish on any Indian ~~Reservation~~ reservation in this state. Wildlife lawfully taken on an Indian ~~Reservation~~ reservation may be transported or processed anywhere in the state ~~when~~ if it can be identified as to species and legality as provided in A.R.S. § 17-309(A)(20). All wildlife transported is subject to inspection under the provisions of A.R.S. § 17-211~~(D)~~(E)(4).

R12-4-119. Arizona Game and Fish Department Reserve

- A. The Commission shall establish an Arizona Game and Fish Department Reserve under A.R.S. § 17-214, consisting of commissioned reserve officers and noncommissioned reserve volunteers.
- B. Commissioned reserve officers shall:
1. Meet and maintain the minimum qualifications and training requirements necessary for peace officer certification by the Arizona Peace Officer Standards and Training Board as prescribed in 13 A.A.C. 4, and
 2. Assist with wildlife enforcement patrols, boating enforcement patrols, off-highway vehicle enforcement patrols, special investigations, and other enforcement and related ~~nonenforcement~~ non-enforcement duties as designated by the Director.
- C. Noncommissioned reserve volunteers shall:
1. Meet qualifications that the Director determines are related to the services to be performed by the volunteer and ~~to~~ the success or safety of the program mission, and
 2. Perform any non-enforcement duties as designated by the Director for the purposes of conservation and education to maximize paid staff time.

R12-4-120. Issuance, ~~sale, and transfer of special big game license tags~~ Sale, and Transfer of Special Big Game License Tags

- A. Proposals for special big game license tags ~~pursuant to~~ under A.R.S. § 17-346 shall be submitted to the Director of the Arizona Game and Fish Department ~~during the period between July 1 and September 30~~ from March 1 to May 31 preceding the year when the tags may be legally used. The proposal shall contain and identify:
1. The name of the organization making the request proposal and the ~~names, addresses, and telephone numbers of those members~~ name, address, and telephone number of each member of the organization who ~~are~~ is coordinating the proposal;
 2. The number of special big game license tags and the species requested ~~and the species for which each would be valid~~;
 3. The purpose to be served by the issuance of these tags;
 4. The method or methods by which the tags ~~would~~ will be sold and transferred;
 5. The estimated amount of money to be raised and the rationale for that estimate;
 6. Any special needs or particulars relevant to the proposal, including time-frame, limitations, or schedules;
 7. Unless a current and correct copy is already on file with the Department, one copy of the organization's articles of incorporation ~~shall accompany the proposal with proof~~ and evidence that the organization has tax-exempt status under Section 501(c) of the Internal Revenue Code;
 8. The proposal or a letter accompanying the proposal shall include a statement that the proposer individual or organization that is submitting the proposal agrees to the conditions ~~set forth~~ in A.R.S. § 17-346 and this rule Section, ~~and The proposal or the letter accompanying the proposal shall be signed and dated by the president and secretary-treasurer of the organization or their equivalent.~~
- B. The Director shall return to the applicant any application ~~which that~~ does not ~~conform~~ comply with the requirements of A.R.S. § 17-346 ~~or and this rule Section~~, but The Director shall submit all any timely and valid ~~applications~~ application to the Commission for consideration. In selecting an applicant, the Commission shall consider the written proposal, ~~and the proposed uses for tag proceeds, the qualifications of the applicant as a fund raiser, the proposed fund raising plan, the applicant's previous involvement with wildlife management, and its the applicant's conservation objectives.~~ The Commission may accept any proposal in whole or in part and may reject any proposal ~~when if~~ it is in the best interest of wildlife to do so. Commission approval and issuance of any special big game license tag is contingent upon compliance with ~~subsections (C) and (D) of this rule Section~~.
- C. ~~All A~~ A successful ~~applicants~~ applicant shall agree in writing to all of the following:
1. To underwrite all promotional and administrative costs to sell and transfer each special big game license tag;
 2. To transfer all proceeds to the Department ~~for the purposes of wildlife management~~ within 90 days of the date that the applicant sells or awards the tag. A special tag shall not be issued until the Department receives all proceeds;
 3. To sell and transfer each special big game license tag as described in the proposal; and
 4. To provide the Department with the name, address, and physical description of each individual to whom ~~each a~~ special big game license tag is transferred.
- D. The Department and the successful applicant shall ~~agree to~~ coordinate on:

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1. The specific projects or purposes identified in the proposal;
 2. The arrangements for the deposit of the proceeds, the accounting procedures, and final audit; and
 3. The dates when the wildlife project or purpose will be accomplished.
- E. ~~All~~ The Department shall dedicate all proceeds generated by the sale or transfer of a special big game license tag ~~shall be dedicated for use for to the management of the species for which the tag was issued and shall not be refunded. The Department shall not refund proceeds.~~
- F. A special big game license tag ~~shall be~~ is valid only for the individual named on the tag, for the season dates on the tag, and for the species for which the tag was issued, ~~and shall not require a hunting license~~ A hunting license is not required for the tag to be valid. Possession of a special big game license tag ~~shall does~~ not invalidate any other big game tag or application for any other big game tag. Wildlife taken under the authority of a special big game license tag ~~shall does~~ not count ~~in~~ towards the normal bag limit for that species.

R12-4-121. Big Game Permit or Tag Transfer

- A. A parent or guardian to whom a big game ~~permit or tag~~ hunt permit-tag is issued may transfer the unused permit or tag to the parent's or guardian's minor child, if:
1. The minor child is from 10 to 17 years old on the date of transfer,
 2. The minor child has a valid ~~class F or G~~ hunting license on the date of transfer, and
 3. A minor child less than 14 years old ~~has satisfactorily completed~~ completes a Department-approved hunter education course by the beginning date of ~~transfer the hunt~~.
- B. A parent or guardian may obtain a transfer, in person, at any Department office. To obtain a transfer, a parent or guardian shall provide the following:
1. Proof of ownership of the big game permit or tag to be transferred;
 2. The minor's ~~class F or G general or lifetime~~ valid hunting license, ~~and if the minor is less than 14 years old, proof of satisfactory completion of a Department-approved hunter education course; and~~
 3. The unused big game permit or tag.
- C. ~~The Department shall issue a transfer permit or tag in the name of the minor child.~~ An individual to whom a hunt permit-tag is issued or the individual's legal representative may donate the unused tag to a non-profit organization if:
1. The organization is exempt from federal taxation under Section 501(c) of the Internal Revenue Code;
 2. The organization provides opportunities and experiences to children with life-threatening medical conditions; and
 3. The individual or legal representative that donates the tag provides the organization with some type of statement that indicates that the tag is voluntarily donated to that organization.
- D. ~~This rule is effective July 1, 2001.~~ A non-profit organization that receives a hunt permit-tag under subsection (C) may obtain a transfer by contacting any Department office. To obtain a transfer, an organization shall:
1. Provide proof of donation of the big game permit-tag to be transferred;
 2. Provide the unused big game permit or tag;
 3. Provide proof of the minor child's valid hunting license; and
 4. Transfer the tag to a minor child who meets the following criteria:
 - a. Has a life-threatening medical condition;
 - b. Is 10 to 17 years old by the date of the transfer;
 - c. Has a valid hunting license; and
 - d. If is less than 14 years old, satisfactorily completes a Department-approved hunter education course before the beginning date of the hunt.
- E. The Department shall issue a transfer permit or tag in the name of the minor child if it is lawfully submitted according to this Section.

R12-4-122. ~~Handling, transportation, processing and storing of game meat given to public institutions and charitable organizations~~ Transporting, Processing, and Storing of Game Meat Given to Public Institutions and Charitable Organizations

- A. ~~Pursuant to~~ Under A.R.S. § 17-240 and this rule Section, the Department may donate the following wildlife, except that the Department shall not donate any portion of an animal killed in a collision with a motor vehicle or ~~which has an animal that~~ died subsequent to immobilization by any chemical agent:
1. Big game, except bear; or mountain lion; and javelina;
 2. Upland game birds;
 3. Migratory game birds;
 4. Game fish.

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- B. The Director shall not authorize ~~any~~ an employee to handle game meat for the purpose of this ~~rule~~ Section until the employee has satisfactorily completed a course designed to give the employee the expertise necessary to protect game meat recipients from diseased or unwholesome meat products. ~~The course shall be~~ A Department employee shall complete a course that is either conducted or approved by the State Veterinarian. ~~A~~ The employee shall provide a copy of a certificate shall be provided to the employee to certify that demonstrates satisfactory completion of the course to the Director.
- C. Only ~~employees~~ an employee authorized by the Director shall ~~handle game meat determined~~ determine if game meat is safe and appropriate for donation. ~~Carcasses shall be inspected and field dressed prior to transport~~ An authorized Department employee shall inspect and field dress each donated carcass before transporting it. ~~The game meat shall be in Department possession for the purpose of transport for a period not to exceed 48 continuous hours and shall be reinspected~~ The Department shall not retain the game meat in storage for more than 48 continuous hours before transporting it, and shall reinspect the game meat for wholesomeness ~~prior to~~ before final delivery to the recipient.
- D. Final processing and storage ~~shall be~~ is the responsibility of the recipient.

R12-4-123. Expenditure of Funds

- A. The Director may expend funds ~~arising from~~ available through appropriations, licenses, gifts, or other sources, in compliance with applicable laws and rules, and:
1. For purposes designated by lawful Commission agreements and Department guidelines;
 2. In agreement with budgets approved by the Commission;
 3. In agreement with budgets appropriated by the legislature;
 4. With regard to a gift, for purposes designated by the donor, the Director shall expend undesignated donations for a public purpose in furtherance of the Department's responsibilities and duties.
- B. The Director shall ensure that the Department implements internal management controls to comply with subsection (A) and to deter unlawful use or expenditure of funds.

NOTICE OF FINAL RULEMAKING

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

[R06-15]

PREAMBLE

- | <u>1. Sections Affected</u> | <u>Rulemaking Action</u> |
|------------------------------------|---------------------------------|
| R13-4-101 | Amend |
| R13-4-105 | Amend |
| R13-4-110 | Amend |
| R13-4-111 | Amend |
| R13-4-112 | Amend |
| R13-4-114 | Amend |
| R13-4-116 | Amend |
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 41-1822(A)(3) and (4)
Implementing statute: A.R.S. § 41-1822(A)(3) and (4)
- 3. The effective date of the rules:**
Under A.R.S. § 41-1823(A), R13-4-105, R13-4-110, and R13-4-111, which establish minimum qualifications for a law enforcement officer, will be effective on July 10, 2006. Under A.R.S. § 41-1032, the remaining rules will be effective on March 11, 2006.
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 2393, June 24, 2005
Notice of Proposed Rulemaking: 11 A.A.R. 3931, October 14, 2005

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5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:

Name: Lyle Mann
Address: Arizona Peace Officers Standards and Training Board
2642 E. University
Phoenix, AZ 85034
Telephone: (602) 223-2514
Fax: (602) 244-0477
E-mail: Lmann@azpost.state.az.us

6. An explanation of the rule, including the agency's reason for initiating the rule:

Under its authority to prescribe reasonable minimum qualifications for peace officers, the Board is establishing a provision that enables an otherwise disqualified individual to be appointed if the Board determines that the disqualification results from a juvenile indiscretion. Under its authority to prescribe minimum training requirements for peace officers, the Board is requiring that an individual pass a Comprehensive Final Examination to complete the full-authority peace officer basic training course. The Board is also amending Sections to make them more clear, concise, and understandable.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

The Board will incur a one-time cost to develop the Comprehensive Final Examination. It will regularly incur the cost of administering and scoring the examination. This cost will be offset by the Board's ability to use the examination results to target additional training to students who need it and ultimately, by better trained peace officers.

A student who fails the comprehensive examination will have the cost of being unable to work as a peace officer. The Board does not anticipate that many students will never pass the examination but, the economic cost to a student who is unable to pass the examination is greatly offset by the benefit of protecting the public from an unqualified peace officer. The Board believes that the examination not only will result in increased quality of certified peace officers but also will serve as a tool to enhance the training of students.

The Board will have the cost of receiving and acting on a petition to determine whether otherwise disqualifying conduct constitutes juvenile indiscretion. An appointing agency will have the cost of preparing a petition. These costs will be offset by the expanded pool of potential peace officers. An individual whose otherwise disqualifying conduct is determined to be juvenile indiscretion will have the benefit of being eligible for appointment to a training academy.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Only minor, non-substantive, grammatical and word choice changes were made between the proposed rules and the final rules.

11. A summary of the comments made regarding the rule and the agency response to them:

The Board held an oral proceeding on November 16, 2005, but no one attended. The Board received no written comments.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

A.R.S. § 41-1823(A) provides that a minimum qualification for a law enforcement officer is not effective until six months after being filed with the Office of the Secretary of State. In this rulemaking, that provision applies to the amendment of R13-4-105, R13-4-110, and R13-4-111.

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

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15. The full text of the rules follows:

TITLE 13. PUBLIC SAFETY

CHAPTER 4. ARIZONA PEACE OFFICER STANDARDS AND TRAINING BOARD

ARTICLE 1. GENERAL PROVISIONS

Section

- R13-4-101. Definitions
- R13-4-105. Minimum Qualifications for Appointment
- R13-4-110. Basic Training Requirements
- R13-4-111. Certification Retention Requirements
- R13-4-112. Time-frames
- R13-4-114. Minimum Course Requirements
- R13-4-116. Academy Requirements

ARTICLE 1. GENERAL PROVISIONS

R13-4-101. Definitions

In this Article, unless the context otherwise requires:

“Academy” means an entity that conducts ~~a~~ the Board-prescribed ~~peace officer basic training course~~ courses for full-authority, specialty officer basic course, or limited-authority basic course peace officers.

“Agency” means a law enforcement entity empowered by the state of Arizona.

“Appointment” means the selection by an agency of a person to be a peace officer or peace officer trainee.

“Approved training program” means a course of instruction that meets Board-prescribed course requirements.

“Board” means the Arizona Peace Officer Standards and Training Board.

“Board-trained physician” means an occupational medicine specialist or a physician who has attended a Board course on peace officer job functions.

“Cancellation” means the annulment of certified status without prejudice to reapply for certification.

“Certified” means approved by the Board as being in compliance with A.R.S. Title 41, Chapter 12, Article 8 and this Chapter.

“CFE” means the Board-approved Comprehensive Final Examination that measures mastery of the knowledge and skills taught in the 585-hour full-authority peace officer basic training course.

“Denial” means the refusal of the Board to grant certified status.

“Dangerous drug or narcotic” means a substance identified in A.R.S. § 13-3401 as being a dangerous drug or narcotic drug.

“Experimentation” means the illegal use of marijuana; or a dangerous drug; or narcotic as described in R13-4-105(B) and (C).

“Full-authority peace officer” means a peace officer whose authority to enforce the laws of this state is not limited by this Chapter.

“Lapse” means the expiration of certified status.

“Limited-authority peace officer” means a peace officer who is certified to perform the duties of a peace officer only in the presence and under the supervision of a full-authority peace officer.

“Limited correctional peace officer” means a peace officer who has authority to perform the duties of a peace officer only while employed by and on duty with the Arizona Department of Corrections, and only for the purposes of guarding, transporting, or pursuing persons under the jurisdiction of the Arizona Department of Corrections.

“Outside provider” means an entity other than the Board or an agency that makes training available to peace officers.

“Peace officer” ~~means the same as peace officer~~ has the meaning in A.R.S. § 1-215.

“Peace officer trainee” means a person recruited and appointed by an agency to attend an academy.

“Physician” means a person licensed to practice allopathic or osteopathic medicine in this or another state.

“Restriction” means the Board’s limitation on duties allowed to be performed by a certified peace officer.

“Revocation” means the permanent withdrawal of certified status.

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“Service ammunition” means munitions that perform equivalently in all respects when fired during training or qualification to those carried on duty by ~~the~~ a peace officer.

“Service handgun” means the specific handgun or equivalent that ~~the~~ a peace officer carries for use on duty.

“Specialty peace officer” means a peace officer whose authority is limited to enforcing specific sections of the Arizona Revised Statutes or Arizona Administrative Code, as specified by the appointing agency’s statutory powers and duties.

“Success criteria” means a numerical statement that establishes the performance needed for a person to ~~successfully~~ demonstrate competency in a knowledge, task, or ability required by this Chapter.

“Suspension” means the temporary withdrawal of certified status.

“Termination” means the end of employment or service with an agency as a peace officer, ~~either~~ through removal, discharge, resignation, retirement, or otherwise.

R13-4-105. Minimum Qualifications for Appointment

A. ~~Before~~ Except as provided in subsection (C) or (D), a person shall meet the following minimum qualifications before ~~appointment being appointed to or attending an academy; a person shall meet the following minimum qualifications:~~

1. Be a United States citizen;
2. Be at least 21 years of age; ~~;~~ except that a person may attend an academy if the person will be 21 before graduating;
3. Be a high school graduate or have successfully completed a General Education Development (G.E.D.) examination;
4. Undergo a complete background investigation that meets the standards of R13-4-106, ~~except that a~~ A person may begin an academy before the results of the fingerprint check are returned. However, the academy shall not graduate the person shall not graduate from the academy and the agency Board shall not receive reimbursement reimburse the academy for the person’s training expenses until a qualifying fingerprint check return is obtained;
5. Undergo a medical examination that meets the standards of R13-4-107 within one year before appointment. An agency may make a conditional offer of appointment before the medical examination. If the medical examination is conducted more than 180 days before appointment, the person shall submit a written statement indicating that the person’s medical condition has not changed since the examination;
6. Not have been convicted of a felony or any offense that would be a felony if committed in Arizona;
7. Not have been dishonorably discharged from the United States Armed Forces;
8. Not have been previously denied certified status, have certified status revoked, or have current certified status suspended;
9. Not have illegally sold, produced, cultivated, or transported ~~marijuana~~ for sale marijuana;
10. Not have illegally used marijuana for any purpose within the past three years;
11. Not have ever illegally used marijuana other than for experimentation;
12. Not have ever illegally used marijuana while employed or appointed as a peace officer;
13. Not have illegally sold, produced, cultivated, or transported for sale ~~any a dangerous drug or narcotic, other than marijuana;~~
14. Not have illegally used a dangerous drug or narcotic, other than marijuana, for any purpose within the past seven years;
15. Not have ever illegally used a dangerous drug or narcotic other than for experimentation;
16. Not have ever illegally used a dangerous drug or narcotic while employed or appointed as a peace officer;
17. Not have a pattern of abuse of prescription medication;
18. Undergo a polygraph examination that meets the requirements of R13-4-106, unless prohibited by law;
19. Not have been convicted of or adjudged to have violated traffic regulations governing the movement of vehicles with a frequency within the past three years that indicates a disrespect for traffic laws or a disregard for the safety of other persons on the highway;
20. Read the code of ethics in subsection ~~(E)~~ (F) and affirm by signature the person’s understanding of and agreement to abide by the code.

B. The illegal use of marijuana, or a dangerous drug or narcotic is presumed to be not for experimentation if:

1. The use of marijuana exceeds a total of 20 times or exceeds five times since the age of 21 years; or
2. The use of any dangerous drug or narcotic, other than marijuana, in any combination exceeds a total of five times, or exceeds one time since the age of 21 years.

C. An agency head who wishes to appoint a person whose illegal use of marijuana or a dangerous drug or narcotic is presumed to be not for experimentation under this Section ~~shall~~ may petition the Board for a determination that, given the unique circumstances of the person’s use, the use was for experimentation. The petition shall:

1. Specify the type of ~~illegal~~ illegal drugs illegally used, the number of uses, the age at the time of each use, ~~and~~ the method by which the information regarding illegal use of drugs came to the agency’s attention, and any attempt ~~made by the agency head~~ to verify the accuracy of the information; and
2. State the factors the agency head wishes the Board to consider in making its determination. ~~Those~~ These factors may include:

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- a. The duration of ~~usage use~~,
- b. The motivation for use,
- c. The time elapsed since the last use,
- d. How the drug was obtained,
- e. How the drug was ingested,
- f. Why the ~~applicant person~~ stopped using the drug, and
- g. Any other factor the agency head believes is relevant to the Board's determination.

D. An agency head who wishes to appoint a person whose conduct is grounds to deny certification under R13-4-109 may petition the Board for a determination that the otherwise disqualifying conduct constitutes juvenile indiscretion. The petition shall:

1. Specify the nature of the conduct, the number of times the conduct occurred, the method by which information regarding the conduct came to the agency's attention, and any attempt by the agency head to verify the accuracy of the information; and
2. Include sufficient information for the Board to determine that all of the following are true:
 - a. The conduct occurred when the person was less than age 18;
 - b. The conduct occurred more than 10 years before application for appointment;
 - c. The person has consistently exhibited responsible, law-abiding behavior between the time of the conduct and application for appointment;
 - d. There is reason to believe that the person's immaturity at the time of the conduct contributed substantially to the conduct;
 - e. There is evidence that the person's maturity at the time of application makes reoccurrence of the conduct unlikely; and
 - f. The conduct was not so egregious that public trust in the law enforcement profession would be jeopardized if the person is certified.
3. If the Board finds that the information submitted is sufficient for the Board to determine that the factors listed in subsection (D)(2) are true, the Board shall determine that the conduct constituted juvenile indiscretion and grant appointment.

~~D-E.~~ With respect to For a limited correctional peace officer, previous completion of a background investigation conducted under R13-4-203 and a physical examination conducted under R13-4-202(A)(6); satisfies the requirements of this Section when there has been no interruption of employment by the agency, except that:

1. The limited correctional peace officer shall submit to a polygraph examination as required by subsection (A)(18); and
2. The agency shall query the National Crime Information Center/Interstate Identification Index (NCIC/III), and the Arizona Criminal Information Center/Arizona Computerized Criminal History (ACIC/ACCH) and review the returns to determine that the person meets the requirements of this Section.

~~E-F.~~ Code of Ethics. Because the people of the state of Arizona confer upon all peace officers the authority and responsibility to safeguard lives and property within constitutional parameters, a peace officer shall commit to the following Code of Ethics and shall affirm the peace officer's commitment by signing the Code.

"I will exercise self-restraint and be constantly mindful of the welfare of others. I will be exemplary in obeying the laws of the land and loyal to the state of Arizona and my agency and its objectives and regulations. Whatever I see or hear of a confidential nature or that is confided to me in my official capacity will be kept secure unless revelation is necessary in the performance of my duty.

I will never take selfish advantage of my position and will not allow my personal feelings, animosities, or friendships to influence my actions or decisions. I will exercise the authority of my office to the best of my ability, with courtesy and vigilance, and without favor, malice, ill will, or compromise. I am a servant of the people and I recognize my position as a symbol of public faith. I accept it as a public trust to be held so long as I am true to the law and serve the people of Arizona."

~~F-G.~~ This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-110. Basic Training Requirements

A. Required training for certified status. ~~A person~~ The Board shall not ~~receive certified status or certify and a person shall not~~ perform the duties of a peace officer until the person successfully completes basic training as follows:

1. A To be certified as a full-authority peace officer, a person shall complete the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy and pass the CFE.
 - a. Board staff shall administer the CFE.
 - b. The Board shall ensure that the CFE is administered during the final two weeks of the full-authority peace officer basic training course.
 - c. A person passes the CFE by achieving a score of at least 70 percent on each of the three blocks of the CFE when each block is scored separately.
 - d. A person who fails one or more blocks of the CFE may retake the failed block one time before the person is scheduled to graduate from the academy.

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- e. A person who fails a retake of a block of the CFE, as described in subsection (A)(1)(d), may retake the failed block once more within 60 days from the original testing date if the person remains appointed by the original appointing agency or enrolled in the academy.
- f. A person who fails a second retake of a block of the CFE, as described in subsection (A)(1)(e), may pursue certification only by repeating the 585-hour full-authority peace officer basic training course.
- g. An agency head is not required to continue to appoint a person during the 60 days permitted for a second retake of a failed block of the CFE, as described in subsection (A)(1)(e).
2. A To be certified as a specialty peace officer, a person shall complete a Board-prescribed specialty peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy.
3. A To be certified as a limited-authority peace officer, a person shall complete a Board-prescribed limited-authority peace officer basic training course or the 585-hour full-authority peace officer basic training course, specified in R13-4-116, at an academy.
4. A To be certified as a limited correctional peace officer, a person shall complete the correctional service officer basic training course specified in R13-4-205 and the 48-hour limited correctional peace officer supplement course specified in R13-4-116, at the Arizona correctional officer training academy.
- B. Exceptions. The training ~~requirements~~ requirement in subsection (A) ~~are~~ is waived when an agency uses a person during ~~a~~:
 1. ~~During a riot~~ Riot, insurrection, disaster, or other event that exhausts the peace officer resources of the agency and the person is attending an academy; or
 2. ~~During a field~~ Field training program that is a component of a basic training program at an academy, ~~when~~ and the person is under the direct supervision and control of a certified peace officer.
- C. Firearms training required.
 1. Unless otherwise specified in this Section, a peace officer shall complete the firearms qualification courses required in R13-4-116(E) ~~Section~~ before the peace officer carries a firearm in the course of duty.
 2. Before carrying a firearm in the course of duty, a limited correctional peace officer shall:
 - a. Meet the requirements of ~~R13-4-206~~ R13-4-205, and
 - b. Complete a night-time firearms qualification shoot based on the course of fire, ~~as described in R13-4-206~~ R13-4-205.
- D. Waiver of required training. A person may apply to the Board for a waiver of required training if the person's whose ~~certified status is lapsed or a the person who~~ has functioned in the capacity of a peace officer in another state or for a federal law enforcement agency may apply to the Board for a waiver of required training. If the ~~If the~~ The Board shall grant a complete or partial waiver of required training if the Board determines that the best interests of the law enforcement profession are served, ~~and the public welfare and safety is are~~ are not jeopardized, ~~the Board shall grant a complete or partial waiver if and:~~
 1. The appointing agency submits to the Board An application and written verification of the person's previous experience and training are submitted by the appointing agency on a form prescribed by the Board;
 2. The person meets the minimum qualifications listed in R13-4-105;
 3. The person complies with the requirements of R13-4-103(E)(1);
 4. The appointing agency complies with the requirements of R13-4-106(C); and,
 5. The person successfully completes an examination measuring the person's comprehension of the full-authority peace officer basic training course as follows:
 - a. ~~A person who, If during the last three years, the person has at least two years of experience as a peace officer in another state or for a federal law enforcement agency, and whose the person submits to the Board~~ basic training and in-service training records that the Board determines demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the person shall take-pass the portions of the CFE an examination composed of covering legal and liability issues specific to Arizona from topical areas listed in R13-4-116(E)(1);
 - b. ~~A person whose If the person's certification is lapsed, the person shall take a comprehensive examination covering all of the functional areas specified in R13-4-116(E)(1) pass all blocks of the CFE; or~~
 - c. ~~A person whose If the person's out-of-state or federal law enforcement experience does not meet the criteria of criterion in subsection (D)(5)(a), but whose the Board determines that the person's basic training and in-service training records demonstrate substantial comparability to Arizona's full-authority peace officer basic training course, the person shall take a comprehensive examination covering all of the functional areas specified in R13-4-116(E)(1) pass all blocks of the CFE; and~~
 6. In addition to the ~~written test~~ examination required under subsection (D)(5), the person satisfactorily performs the practical demonstrations of proficiency in physical aptitude conditioning, defensive driving vehicle operations, pursuit operations, and firearms, including firearms qualifications, as required under R13-4-116(E)(1).
- E. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

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R13-4-111. Certification Retention Requirements

A. Continuing training required.

1. The following continuing training standards apply for a peace officer to retain certification:
 - a. A full-authority peace officer shall complete eight hours of continuing training each ~~calendar~~ year beginning January 1, following the date the officer ~~was~~ is certified.
 - b. A specialty officer, ~~or~~ limited-authority peace officer, ~~or~~ limited correctional peace officer shall complete eight hours of continuing training every three ~~calendar~~ years beginning January 1, following the date the officer ~~was~~ is certified.
 - e. ~~A limited correctional peace officer shall complete eight hours of continuing training every three years beginning on January 1, following the date the officer was certified.~~
2. Continuing training course standards for peace officers. The provider of a continuing training course for peace officers shall ensure that:
 - a. ~~The curriculum for a continuing training course shall~~ The course curriculum ~~consist~~ consists of advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1); ~~;~~
 - b. ~~The instructor for a continuing training course shall~~ The instructor ~~meet~~ meets the requirements of R13-4-114(A)(2)(a) or (b); ~~and ;~~
 - c. ~~The training provider shall provide to each attendee for audit purposes an~~ An attendance verification certificate that , which includes a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes;
 - d. ~~If the training provider is an agency, the agency shall make available to the Board for audit purposes, an attendance roster~~ roster and the lesson plan or other information sufficient to determine compliance with this Section: is made available upon request by the Board for Board audit ;
 - e. ~~If the training provider is an outside provider, such as an individual, a corporation, business, company, or governmental entity, that does not seek confirmation that the course meets the requirements under subsection (A)(3)(c), the outside provider shall provide to the attendees a copy of the lesson plan or other information sufficient to determine compliance with this Section, or is given to each attendee; and~~
 - f. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (A)(3)(c), the provider shall distribute a copy of the Board's written confirmation is distributed to the each attendee.~~
3. Training providers. Courses of continuing training may be conducted by the Board, an agency, or an outside provider.
 - a. ~~All Board-provided courses for continuing training courses provided by the Board meet meet~~ the requirements of this Section.
 - b. Agency-provided continuing training courses ~~meets meet~~ the requirements of this Section if all the requirements of subsection (A)(2) are met.
 - c. Outside-provider continuing training courses ~~meets meet~~ the requirements of this Section if all the requirements of subsection (A)(2) are met. The Board shall inform an outside provider in writing whether ~~the a continuing training course~~ a continuing training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in R13-4-116(E)(1);
 - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(a) or (b) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that the ~~training outside~~ provider shall, upon request by the Board, make the lesson plan or other information sufficient to determine compliance with this Section ~~available to the for Board for audit purposes, and that the requirements shall ensure that the requirement~~ available to the Board for audit purposes, and that the requirements shall ensure that the requirement of subsection (A)(2)(b) ~~will be~~ is met.
 - d. The Board's confirmation that a continuing training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (A)(3)(c) ~~remains accurate and is~~ is unchanged.
4. A limited correctional peace officer ~~may also satisfy~~ satisfies the requirements of this Section ~~with by obtaining training that is:~~
 - a. Approved under R13-4-206,
 - b. Provided by an instructor who meets the requirements of R13-4-205(C)(5), and
 - c. ~~Addressing a topic area enumerated~~ On a topic area listed in R13-4-116(E)(4).
5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer ~~as required~~ under subsection (A)(2)(c), (A)(2)(e), or (A)(2)(f). The appointing agency shall maintain the documents ~~shall be maintained by the appointing agency and made~~ make them available, upon request by the Board, for Board audit.

B. Proficiency training required.

1. To retain certification, ~~each a~~ peace officer ~~below the first level who is not in a~~ below the first level who is not in a supervisory position within the peace

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officer's appointing agency shall complete eight hours of proficiency training every three years beginning January 1, following the date the peace officer ~~was~~ is certified.

2. Proficiency training course standards. The provider of a proficiency training course for peace officers shall ensure that:
 - a. ~~Proficiency training is training that~~ The training requires the physical demonstration of one or more performance objectives included in the 585-hour Full Authority Peace Officer Basic Course full-authority peace officer basic training course under R13-4-116 and also requires the demonstration of the use of judgment in the application of that the physical act: ;
 - b. ~~The curriculum for a proficiency training course shall consist~~ consists of advanced or remedial instruction on one or more of the following topic areas:
 - i. Defensive tactics and impact weapons,
 - ii. Tactical firearms (not the annual firearms qualification required under this Section),
 - iii. Emergency vehicle operations,
 - iv. Pursuit operations,
 - v. First aid and emergency care,
 - vi. Physical conditioning, and
 - vii. High-risk stops; ;
 - c. ~~The instructor for a proficiency training course shall meet~~ meets the requirements of R13-4-114(A)(2)(c); ;
 - d. ~~The training provider shall provide an~~ An attendance verification certificate, ~~which includes to each attendee for audit purposes including~~ a statement that the provider believes the course meets the requirements of this Section, is given to each attendee for audit purposes; ;
 - e. ~~If the training provider is an agency, the agency shall make available to the Board for audit purposes, an attendance roster and the lesson plan or other information sufficient to determine compliance with this Section, and attendance rosters; is made available upon request by the Board for Board audit;~~
 - f. ~~If the training provider is an outside provider, such as an individual, corporation, business, company, or governmental entity that does not seek confirmation under subsection (B)(3)(c) that the course meets the requirements of this Section, the outside provider shall provide to the attendees a copy of the lesson plan or other information sufficient to determine compliance with this Section; is given to each attendee; and~~
 - g. ~~If the training provider is an outside provider that seeks and receives confirmation under subsection (B)(3)(c), the outside provider shall distribute a copy of the Board's written confirmation is given to the each attendee.~~
3. Training providers. Proficiency training courses may be conducted by the Board, an agency, or an outside provider.
 - a. ~~All Board-provided proficiency training courses of proficiency training provided by the Board~~ meet the requirements of this Section.
 - b. ~~Agency-provided proficiency training~~ meets ~~courses meet~~ the requirements of this Section if all the requirements of subsection (B)(2) are met.
 - c. ~~Outside-provider proficiency training courses may~~ meet the requirements of this Section ~~if all the requirements of subsection (B)(2) are met.~~ The Board shall inform an outside provider in writing whether ~~the a proficiency training course meets these requirements if a course package is submitted to the Board, before the training is conducted, that includes:~~
 - i. A description of the training course that allows the Board to determine whether the course contains advanced or remedial instruction on one or more of the topic areas specified in subsection (B)(2);
 - ii. The name of the person, or if applicable, the institution or organization, providing the training with sufficient information to allow the Board to determine whether the requirements of R13-4-114(A)(2)(c) are met;
 - iii. A course schedule listing the number of instructional hours; and
 - iv. An attestation that ~~the training outside provider will~~ shall, upon request by the Board, make the lesson plan and other information sufficient to determine compliance with this Section ~~available to the for Board for audit purposes, and shall ensure that the requirements requirement of subsection (B)(2)(d) will be~~ is met.
 - d. ~~The Board's confirmation that a proficiency training course conducted by an outside provider meets the requirements of this Section is effective as long as the information submitted to the Board under subsection (B)(3)(c) remains accurate and is unchanged.~~
4. A limited correctional peace officer ~~may also satisfy~~ satisfies the requirements of this Section ~~with by obtaining training that is:~~
 - a. ~~Approved in~~ under R13-4-206,
 - b. Provided by an instructor who meets the requirements of R13-4-205(C), and
 - c. ~~Addressing On a topic area enumerated listed in subsection (B)(2)(b) except (B)(2)(d) (B)(2)(b)(iv).~~
5. Required records. A peace officer shall provide to the appointing agency a copy of all documents provided to the peace officer ~~as required under subsection (B)(2)(d), (B)(2)(f) or (B)(2)(g). The appointing agency shall maintain the documents shall be maintained by the appointing agency and made make them available, upon request by the Board, for Board audit.~~

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- C. Firearms qualification required. A peace officer authorized to carry a firearm shall qualify to continue to be authorized to carry a firearm each ~~calendar~~ year beginning ~~the year~~ January 1 following certification. ~~The peace officer shall qualify by completing a Board-prescribed firearms qualification course, using a service handgun and service ammunition, and a Board-prescribed target identification and judgment course.~~
1. Firearms qualification course standards.
 - a. A firearms qualification course is a course;
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure firearms competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. ~~A~~ The provider of a firearms qualification course shall ~~include~~ ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target that is equal to, or more difficult than, targets used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 2. Firearms target identification and judgment course standards.
 - a. A firearms target identification and judgment course is a course:
 - i. Prescribed under R13-4-116(E)(1), or
 - ii. Determined by the Board to measure target identification and judgment competency at least as accurately as courses prescribed under R13-4-116(E)(1).
 - b. ~~A~~ The provider of a firearms target identification and ~~judgement~~ judgment course shall ~~include;~~ ensure that the course includes:
 - i. A timed accuracy component;
 - ii. A type and style of target discrimination test that is equal to, or more difficult than, those used in a course prescribed under R13-4-116(E)(1); and
 - iii. A success criterion that is equal to, or more difficult than, criteria used in a course prescribed under R13-4-116(E)(1).
 3. ~~Firearms~~ The provider of a firearms qualification courses and or firearms target identification and judgment courses shall be instructed ensure that the course is taught by a firearms instructor meeting who meets the requirements of R13-4-114(A)(2)(c).
- D. This Section is effective six months after filing with the Secretary of State as required by A.R.S. § 41-1823(A).

R13-4-112. Time-frames

- A. For the purposes of A.R.S. § 41-1073, the Board establishes the following time-frames for peace officer certification:
1. Administrative completeness review time-frame: 90 days.
 2. Substantive review time-frame: 180 days.
 3. Overall time-frame: 270 days.
- B. The administrative completeness review time-frame begins on the date the Board receives the ~~document~~ report required by R13-4-108(A)(1) from an appointing agency.
1. Within 90 days, the Board shall review the application file report and issue to the appointing agency a statement of administrative completeness or a notice of administrative deficiencies that lists each ~~item required by document or item of information establishing compliance with~~ R13-4-105 that is missing.
 2. If the Board issues a notice of administrative deficiency, the appointing agency shall ~~submit~~ make the missing documents and information available to the Board within 90 days of the date of the notice. The administrative completeness review time-frame is suspended from the date of the deficiency notice until the date ~~the Board receives~~ the missing documents and information are made available to the Board.
 3. If the appointing agency fails to ~~provide the~~ make available all missing documents and information within the 90 days provided, the Board shall close the applicant's file. An applicant whose file is closed and who wants to be certified shall apply again under R13-4-103.
 4. When the file is administratively complete, the Board shall provide written notice of administrative completeness to the appointing agency.
- C. The substantive review time-frame begins on the date the Board issues the notice of administrative completeness.
1. During the substantive review time-frame, the Board may make one comprehensive written request for additional information.
 2. The appointing agency shall ~~submit~~ make available to the Board the additional information identified in the request for additional information within 60 days. The time-frame for the Board to finish the substantive review of the application is suspended from the date of the request for additional information until ~~the Board receives~~ the additional information is made available to the Board.
 3. ~~The~~ If the appointing agency fails to make available ~~Board shall close the file of an applicant if the additional information requested is not supplied within the 60 days provided,~~ the Board shall close the applicant's file. An applicant

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whose file is closed and who wants to be certified shall apply again under R13-4-103.

4. When the substantive review is complete, the Board shall grant or deny certification.

R13-4-114. Minimum Course Requirements

- A. Instructors. ~~A An academy administrator or agency head shall ensure that only an instructor who meets the requirements of this Section facilitates a Board-prescribed course shall be facilitated by an instructor meeting the requirements of this Section.~~
1. Instructor classifications.
 - a. General instructor. A person qualified to teach topics not requiring a proficiency instructor under subsection (A)(1)(c).
 - b. Specialist instructor. A person, other than an Arizona peace officer, qualified to teach a topic in which the instructor has special expertise but who does not qualify for general instructor status.
 - c. Proficiency instructor. A person qualified to teach a topic area listed in R13-4-111(B)(2)(b).
 2. Instructor qualification standards.
 - a. A general instructor shall meet the requirements of ~~(i) and (iv) of this subsection~~ subsections (A)(2)(a)(i) and (A)(2)(a)(ii) and either the requirement of (ii) or (iii) subsection (A)(2)(a)(iii) or (A)(2)(a)(iv):
 - i. ~~Have two years experience as a certified peace officer;~~
 - ii. Maintain instructional competency;
 - ~~iii.~~ Successfully complete a Board-sponsored instructor training course or an instructor training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;
 - ~~iv.~~ Possess a community college or university teaching certificate;
 - ~~v.~~ Maintain instructional competency.
 - b. A specialist instructor shall meet the requirements of ~~(i) and (vi) of this subsection;~~ subsections (A)(2)(b)(i) and (A)(2)(b)(ii) and either (ii) or (iii), and either (iv) or (v) subsection (A)(2)(b)(iii) or subsections (A)(2)(b)(iv) and (A)(2)(b)(v):
 - i. ~~Have the nomination of~~ Be nominated by an agency head or the administrator of an academy authorized to provide a ~~basic~~ peace officer basic training course;
 - ii. Maintain instructional competency;
 - ~~iii.~~ Possess a professional license or certification other than a peace officer certification that relates to the topics to be taught;
 - ~~iv.~~ Provide documentation to the agency head or academy administrator for forwarding to the Board that demonstrates the expertise and ability to enhance peace officer training in a special field;
 - ~~v.~~ Successfully complete a Board-sponsored instructor training course or a training course that contains all of the performance objectives and demonstrations of the Board-sponsored instructor course;
 - ~~vi.~~ Possess a community college or university teaching certificate;
 - ~~vii.~~ Maintain instructional competency.
 - c. A proficiency instructor shall meet the requirements of ~~(i) and (iv) of this subsection~~ subsections (A)(2)(c)(i) and (A)(2)(c)(ii) and either (ii) or (iii) subsection (A)(2)(c)(iii) or (A)(2)(c)(iv):
 - i. Meet the requirements for general instructor;
 - ii. Maintain instructional competency;
 - ~~iii.~~ Successfully complete a proficiency instructor course in a topic area listed in R13-4-111(B)(2)(b) that includes a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course listed in R13-4-116(E);
 - ~~iv.~~ Complete a form prescribed by the Board; that documents advanced training and experience in the topic area including a competency assessment to instruct in that area within the 585-hour full-authority peace officer basic training course as listed in R13-4-116(E);
 - ~~v.~~ Maintain instructional competency.
 - d. A proficiency instructor shall meet the requirements of subsection (A)(2)(c) separately for each topic area listed in R13-4-111(B)(2)(b) for which the proficiency instructor seeks qualification.
 3. Instructional competency. An academy administrator or an agency head shall immediately notify the Board in writing of any instructor:
 - a. Who jeopardizes the safety of students or the public,
 - b. Whose instruction violates acceptable training standards,
 - c. Who is grossly deficient in performance as an instructor, or
 - d. Who is a proficiency instructor and ~~is no longer able to~~ fails to satisfactorily complete satisfactorily the competency assessment to instruct in the instructor's topic area within the 585-hour full-authority peace officer basic training course.
 4. ~~Retention of instructor status.~~ If the Board determines that an instructor fails to comply with the provisions of this Section, has an instructional deficiency, or fails to maintain proficiency, any course facilitated by the instructor does not meet the requirements of this Section.

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- B. Curriculum Standards standards. Curriculum** An academy administrator or agency head shall ensure that the curriculum for a Board-prescribed course course shall meet meets the following standards: :
1. Curriculum.
 - a. Curriculum development ~~shall employ~~ employs valid, job-based performance objectives and learning activities, and ~~promote~~ promotes student, officer, and public safety, as determined by a scientifically conducted validation study of the knowledge, skills, abilities, and aptitudes needed by the affected category of Arizona peace officer.
 - ~~b. The Board shall maintain and provide upon request, a copy of curricula that meet the standards of this Section.~~
 - ~~e-b. Curriculum for a Board-prescribed course shall meet~~ The curriculum meets or exceed exceeds the requirements of subsection (B)(2), unless otherwise provided in this Section.
 2. Curriculum format standard. ~~Curriculum used for a Board-prescribed course shall consist~~ The curriculum consists of the following:
 - a. A general statement of instructional intent that summarizes ~~a the~~ the desired learning outcome, ~~The statement is broad in scope, has a general statement of desired outcome,~~ and includes long-term or far-reaching learning goals: :
 - b. Lesson plans containing:
 - i. Course title,
 - ii. Hours of instruction,
 - iii. Materials and aids to be used,
 - iv. Instructional strategy,
 - v. Topic areas in outline form,
 - vi. Performance objectives or learning activities,
 - vii. Success criteria, and
 - viii. Reference material;
 - c. Performance objectives consisting of at least the following components:
 - i. The ~~learner student~~, which is an individual or group that performs a behavior as the result of instruction;
 - ii. The behavior, which is an observable demonstration by the ~~learner student~~ at the end of instruction that shows that the objective is achieved and allows evaluation of the ~~learner's student's~~ capabilities to perform the behavior; and
 - iii. The conditions, which is a description of the important conditions of instruction or evaluation under which the ~~learner student~~ performs the behavior. Unless specified otherwise within the lesson plan, instruction and evaluation will be in written or oral form;
 - d. Learning activities. A student is not required to demonstrate ~~learning mastery~~ learning mastery of learning activities as a condition for successfully completing the training. Learning activities are subject areas for which performance objectives are not appropriate because either:
 - i. Reliable and meaningful assessment of mastery of the material would be extremely difficult or impossible, or
 - ii. Mastery of the material is not likely to bear a direct relationship to the ability to perform entry-level peace officer job duties; and
 - e. The following decimal numbering system to provide a logical means of organization:
 - i. Functional area (1.0, 2.0, 3.0),
 - ii. Topic area (1.1.0, 1.2.0, 1.3.0), and
 - iii. Performance objective or learning activity (1.1.1, 1.1.2, 1.1.3).

C. The Board shall maintain and provide upon request a copy of curricula that meet the standards of this Section.

R13-4-116. Academy Requirements

- A. Unless otherwise provided in this Article, only the basic training provided by an academy that the Board determines meets the standards prescribed in this Section may ~~provide the basic training required to receive~~ be used to qualify for certified peace officer status.
- B. ~~An~~ The academy administrator shall ensure that the academy shall have has the following:
 1. A classroom with adequate heating, cooling, ventilation, lighting, and space;
 2. Chairs with tables or arms for writing;
 3. Visual aid devices for classroom presentation;
 4. Equipment in good condition for specialized instruction;
 5. A safe driving range for conducting the defensive and pursuit driving course;
 6. A firing range with adequate backstop to ensure the safety of all persons on or near the range; and
 7. A safe location for practical exercises.
- C. Administrative requirements. ~~An~~ The academy administrator shall ensure that the academy shall:
 1. ~~Establish Establishes~~ and ~~maintain maintains~~ written policies, procedures, and rules concerning the operation of the academy, entrance requirements, and student and instructor conduct;
 2. ~~Admit Admits~~ only persons who meet the requirements of R13-4-105, as attested to by the appointing agency on a

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form prescribed by the Board;

3. ~~Administer~~ Administers to each student at the beginning of each academy session a written examination prescribed by the Board measuring competency in reading and writing English;
4. ~~Administer a standardized comprehensive examination prescribed by the Board to all students before graduation~~ Schedules sufficient time for Board staff to administer the CFE as required by R13-4-110(A); and
5. ~~Ensure that all~~ Employs only instructors who are qualified under R13-4-114(A).

D. Academic requirements. ~~At~~ The academy administrator shall ensure that the academy shall:

1. ~~Establish~~ Establishes a curriculum with performance objectives and learning activities that meet the requirements of R13-4-114(B) and subsection (E) of this Section and R13-4-114(B);
2. ~~Require~~ Requires instructors to use lesson plans that cover the course content and list the performance objectives to be achieved and learning activities to be used;
3. ~~Administer~~ Administers written, oral, or practical demonstration examinations that measure the attainment of performance objectives;
4. ~~Review~~ Reviews examination results with each student. ~~The~~ and ensures that the student ~~shall make~~ makes and ~~understand~~ understands any necessary corrections and ~~sign~~ signs and ~~date~~ dates an acknowledgment that the student participated in the review;
5. ~~Require~~ Requires a student to ~~successfully~~ successfully complete an oral or written examination in each topic area before graduating.
 - a. Successful completion of ~~a written or oral~~ an examination is a score of 70 percent or greater.
 - b. For a student who scores less than 70 percent, the academy shall:
 - i. Provide remedial training ~~to the student;~~ ; and
 - ii. Re-examine the student in the area of deficiency.
 - c. The academy shall ~~not~~ allow a student to ~~take more than one re-examination per~~ retake an examination in a topic area only once;
6. ~~Require~~ Requires a student to qualify with firearms as described in R13-4-116(E);
7. ~~Ensure~~ Ensures that a student meets the success criteria for police proficiency skills under subsection (E)(1);
8. ~~Provide~~ Provides remedial training for a student who misses a class before allowing the student to graduate; and
9. ~~Not allow a student~~ Refuses to graduate a student who ~~has been~~ is absent more than 32 hours from the full-authority peace officer basic training course or 16 hours from ~~a the specialty officer basic course~~ or limited-authority peace officer basic training course.

E. Basic course requirements. ~~At~~ The academy administrator shall ensure that the academy shall use uses ~~curricula~~ that meet the requirements of R13-4-114 for the following basic courses of instruction.

1. The 585-hour full-authority ~~basic~~ peace officer basic training course shall include all of the topics listed in each of the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement.
 - i. Criminal justice systems,
 - ii. History of law enforcement,
 - iii. Law enforcement services,
 - iv. Supervision and management,
 - v. Ethics and professionalism, and
 - vi. Stress management.
 - b. Functional Area II - Law and Legal Matters.
 - i. Introduction to criminal law; ;
 - ii. Laws of arrest; ;
 - iii. Search and seizure; ;
 - iv. Rules of evidence; ;
 - v. Summonses, subpoenas, and warrants; ;
 - vi. Civil process; ;
 - vii. Administration of criminal justice; ;
 - viii. Juvenile law and procedures; ;
 - ix. Courtroom demeanor; ;
 - x. Constitutional law; ;
 - xi. Substantive criminal law, A.R.S. Titles 4, 13, and 36; ; and
 - xii. Liability issues.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation (part 1),
 - ii. Patrol and observation (part 2),
 - iii. Domestic violence,
 - iv. Mental illness,

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- v. Crimes in progress,
- vi. Crowd control formations and tactics,
- vii. Bomb threats and disaster training,
- viii. Intoxication cases,
- ix. Communication and police information systems,
- x. Hazardous materials,
- xi. Bias-motivated crimes,
- xii. Fires, and
- xiii. Civil Disputes.
- d. Functional Area IV - Traffic Control.
 - i. Impaired driver cases; ;
 - ii. Traffic citations; ;
 - iii. Traffic collision investigation; ;
 - iv. Traffic collision (practical); ;
 - v. Traffic direction; ; and
 - vi. Substantive Traffic Law, A.R.S. Title 28.
- e. Functional Area V - Crime Scene Management.
 - i. Preliminary investigation and crime scene management,
 - ii. Crime scene investigation (practical),
 - iii. Physical evidence procedures,
 - iv. Interviewing and questioning,
 - v. Fingerprinting,
 - vi. Sex crimes investigations,
 - vii. Death Investigations (including training certified by the Department of Health Services on sudden infant death syndrome),
 - viii. Organized crime activity,
 - ix. Investigation of specific crimes, and
 - x. Narcotics and dangerous drugs.
- f. Functional Area VI - Community and Police Relations.
 - i. Cultural awareness,
 - ii. Victimology,
 - iii. Interpersonal communications,
 - iv. Crime prevention, and
 - v. Police and the community.
- g. Functional Area VII - Records and Reports. Report writing.
- h. Functional Area VIII - Police Proficiency Skills.
 - i. First aid,
 - ii. Firearms training (including firearms qualification),
 - iii. Physical conditioning,
 - iv. High risk stops,
 - v. Defensive tactics,
 - vi. Vehicle operations, and
 - vii. Pursuit operations.
- i. Functional Area IX - Orientation and Introduction.
 - i. Examinations and reviews,
 - ii. Counseling, and
 - iii. Non-Board specified courses.
- 2. The specialty peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority ~~basic~~ peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
- 3. The limited-authority peace officer basic training course shall include all of the topics necessary from the 585-hour full-authority ~~basic~~ peace officer basic training course for the curriculum to meet the requirements of R13-4-114(B).
- 4. The 48-hour limited correctional peace officer supplement course shall include all of the topics listed in the following functional areas:
 - a. Functional Area I - Introduction to Law Enforcement: Management and Supervision.
 - b. Functional Area II - Law and Legal Matters.
 - i. Laws of arrest, and
 - ii. Search and seizure.
 - c. Functional Area III - Patrol Procedures.
 - i. Patrol and observation, and

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- ii. Bias-motivated crimes.
 - d. Functional Area IV - Crime Scene Management.
 - i. Preliminary investigation, and
 - ii. Crime scene management.
 - e. Functional Area V - Proficiency Skills.
 - i. First aid, and
 - ii. Firearms training.
- ~~f.5.~~ Administrative functions such as orientation, introductions, examinations and reviews, and counseling are exempt from the requirements of R13-4-114(B).
- F. Records required. ~~At~~ The academy administrator shall ensure that the following records are maintained and make them made available for inspection by the Board or staff. ~~At~~ The academy administrator shall provide to the Board copies of records upon request.
 - 1. A record of all students attending the academy;
 - 2. A manual containing the policies, procedures, and rules of the academy;
 - 3. A document signed by each student ~~attending the academy~~ indicating that the student ~~has~~ received and read a copy of the academy policies, procedures, and rules;
 - 4. An application, on a form prescribed by the Board, from the appointing agency for each student ~~in attendance~~ attesting that the requirements of R13-4-105 are met;
 - 5. A copy of all lesson plans used by instructors; ~~and after the initial inspection under subsection (H), the academy administrator shall annually review and approve each lesson plan used in the academy, and shall sign and date an~~
 - 6. An annually signed and dated acknowledgment that the academy administrator reviewed and approved each lesson plan used at the academy of approval for each lesson plan;
 - ~~6-7.~~ A copy of all examinations, answer sheets or records of performance, and examination review acknowledgments;
 - ~~7-8.~~ An attendance roster for all classes or other record that identifies absent students;
 - ~~8-9.~~ A record of classes missed by ~~students attending the academy~~ each student and the remedial training ~~they~~ received;
 - ~~9-10.~~ A record of disciplinary actions for all ~~persons attending the academy~~ students; and
 - ~~10-11.~~ A file for each ~~person attending the academy~~ student containing ~~that person's~~ the student's performance history.
- G. Reports required. The academy administrator shall submit to the Board:
 - 1. At least ~~ten~~ 10 working days before the start of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 - 2. No more than five working days after the start of each academy session, on a form prescribed by the Board, a roster containing the identification of the appointing agency, and the full name; and ~~social security~~ Social Security number of each student ~~in attendance~~;
 - 3. No more than five working days after ~~the dismissal of~~ dismissing a student ~~attending an academy~~ from the academy, notification of the dismissal and the reason;
 - 4. ~~On~~ No later than the tenth day of each month, a report containing:
 - a. A summary of training activities and progress of the academy class to date;
 - b. Unusual occurrences, accidents, or liability issues; and
 - c. Other problems or matters of interest noted in the course of the academy, if not included under subsection ~~(H)(4)(b)~~ (G)(4)(b);
 - 5. No more than ~~ten~~ 10 working days after the end of each academy session, a complete schedule of classes containing the name of the instructor for each class and the training location;
 - 6. No more than ~~ten~~ 10 working days after the end of each academy session, on a form prescribed by the Board, a roster containing the identification of the appointing agency, and the full name and ~~social security~~ Social Security number of each ~~person~~ student successfully completing the training, ~~on a form prescribed by the Board~~.
- H. Required inspections. Before an academy provides training to persons seeking certification for any category of peace officer, the Board staff shall conduct an onsite inspection of the academy to determine compliance with this Section and R13-4-114. Board staff shall conduct additional inspections as often as the Board deems necessary. ~~Following an inspection:~~
 - 1. Within 30 days ~~of~~ after the inspection, the Board staff shall provide to the academy administrator an inspection report ~~including any that lists any deficiencies identified and remedial action~~ actions the academy is required to take to comply with the standards of this Section and R13-4-114; ;
 - 2. Within 30 days ~~of~~ after receipt of the inspection report, the academy administrator shall submit to the Board a response that ~~identifies~~ indicates the progress made to complete the remedial ~~action~~ actions ~~taken or to be taken necessary~~ to correct ~~any~~ the deficiencies described in the inspection report. The academy administrator shall submit to the Board additional responses every 30 days until all remedial action is complete.
 - 3. Within 30 days ~~of~~ after receipt of notice that all remedial action ~~has been completed~~ is complete, Board staff shall conduct another inspection.
 - 4. Following each inspection, Board staff shall present an inspection report to the Board describing the academy's com-

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- pliance in meeting the standards of this Section and R13-4-114.
- I. ~~When If~~ an academy ~~ceases to~~ does not conduct a ~~basic~~ peace officer basic training course for 12 consecutive months, the academy shall not provide training until Board staff conducts another inspection as required by subsection (H). Otherwise, an academy may continue to provide training unless the Board determines that the academy is not in compliance with the standards of this Section ~~and~~ or R13-4-114.
- J. If the Board finds that an academy fails to comply with the provisions of this Section or R13-4-114, the academy ~~may~~ shall not provide training to persons seeking to be certified as peace officers.

NOTICE OF FINAL RULEMAKING

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION

[R06-14]

PREAMBLE

- | | |
|---|--|
| <u>1. Sections Affected</u>
R18-7-301 | <u>Rulemaking Action</u>
Amend |
|---|--|
- 2. The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statutes: A.R.S. §§ 41-1003 and 49-104
Implementing statute: A.R.S. § 49-285.01
- 3. The effective date of the rules:**
March 11, 2006
- 4. A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 1365, April 8, 2005
Notice of Proposed Rulemaking: 11 A.A.R. 2934, August 5, 2005
- 5. The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
- | | |
|------------|---|
| Name: | Jerry Smit |
| Address: | 1110 W. Washington St.
Phoenix, AZ 85007 |
| Telephone: | (602) 771-2220 |
| Fax: | (602) 771-4272 |
| E-mail: | smit.jerry@azdeq.gov |
- 6. An explanation of the rule, including the agency's reason for initiating the rule:**
- A.R.S. § 49-285.01 authorizes the Arizona Department of Environmental Quality (Department) to enter into an agreement with a prospective purchaser of a facility, wherein the Department will provide a written release and covenant not to sue for existing contamination at the facility. In many cases, the threat of environmental liability and uncertainty associated with environmental contamination has discouraged redevelopment of former industrial sites. Arizona has joined a growing number of states in seeking creative approaches to facilitate the redevelopment of these sites, and this statute is one of the tools established toward this end.
- A.R.S. § 49-285.01 authorizes the Department to charge a reasonable fee for the preparation and execution of a prospective purchaser agreement (PPA), and authorizes the adoption of rules to implement that section. The original fee rule became effective in 1997.
- In August 2002, pursuant to A.R.S. § 41-1056, the Department reviewed the PPA fee rule. As a part of the five-year review of the rule, the Department's Financial Services Section provided records of the work hours charged to the PPA accounting code. An examination of those records provided the evidence that the \$900 fee usually does not cover the cost of doing the work. This review revealed that there are several ways in which the former fee, and likewise the former fee rule, was inadequate.

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Increased Costs of Higher Salaries

One reason for the shortfall is the economics of doing business: salaries are higher, personnel with the higher salaries are doing more of the work than anticipated, and the Attorney General's Office (AGO) costs are higher. The initial fee was intended to cover the PPA costs of thirty hours. The present salaries are such that thirty hours for any of the positions identified as doing the work would cost more than \$900. The people actually doing the work do not match the list of anticipated personnel that was used in calculating the fee in the original rule. People doing the bulk of the work are technical, rather than administrative and technical salaries are higher than administrative salaries. Also, an internal shifting of workload at the Department brought the AGO into the procedure for some PPAs. The Department reimburses the AGO for its costs on Department projects under an inter-agency agreement.

Summarized below is a comparison of staff time and costs. The first set of costs reflects those that formed the basis for the fee amount in this final rule. The second set of costs is those used in the calculation of the original PPA fee. The hourly rates include salary, employee related expenses (i.e., benefits), and indirect agency costs charged to the program for each employee.

Table 1. Comparison of Staff Time and Costs.

STAFF	RATE	HOURS	TOTAL
New Costs			
Section Manager	\$86.80	5	\$434.00
Unit Supervisor	\$80.26	4	\$321.04
Hydrologist/Project Manager	\$73.98	10	\$739.80
Legal Assistant	\$61.45	10	\$614.50
Attorney	\$73.00	5	\$365.00
<i>TOTAL</i>		<i>34</i>	<i>\$2,474.34</i>
Old Costs			
Section Manager	\$38.92	2	\$77.84
Unit Supervisor	\$35.72	4	\$142.88
Hydrologist III	\$30.97	8	\$247.76
Project Manager	\$29.57	8	\$236.56
Legal Assistant III	\$25.24	6	\$151.44
Program and Project Specialist II (public noticing)	\$24.18	2	\$48.36
<i>TOTAL</i>		<i>30</i>	<i>\$904.84</i>

Increased Costs of Addressing Different Kinds of Sites

Another reason for the shortfall between the original fee and current actual costs is that, at the time the original fee was promulgated, the bulk of PPA applications were from sites that were on the Water Quality Assurance Revolving Fund (WQARF) priority list, and now, most are for sites that are NOT on the WQARF registry (which has replaced the priority list). A.R.S. § 49-285.01(A)(1) authorizes the Department to enter into PPAs for sites both on the registry and not on the registry, and to charge a fee for all PPAs.

A major reason why most PPA sites are not on the WQARF registry is that recent WQARF sites are for a smaller area. At the time the PPA statute became law, the sizes of the sites on the WQARF priority list were large. For example, the East Central Phoenix Site was bounded on the north by Camelback Road, on the east by 48th Street, on the south by Thomas Road, and on the west by 24th Street. From Camelback Road to Thomas Road is two miles. As anticipated, originally most of the PPAs were for properties within a WQARF site.

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Then, the approach to defining site boundaries was refined. In 1996 the legislature established a groundwater task force to study WQARF and make recommendations. In 1997, Senate Bill 1452 was enacted. The legislative intent as stated was to be a comprehensive revision of the water quality assurance revolving fund program. The revision followed the groundwater task force recommendations. The bill replaced the priority list system with the site registry, instituted a proportionate liability system to replace joint and several liability, and provided for site prioritization with a greater emphasis on risk for the registry sites. The statute also required that the priority list sites be evaluated using the evaluation and eligibility model within one year before being placed on the registry list. As a result of the foregoing changes in the statute, most of the large study areas dwindled into facilities or groups of facilities.

Thus, the non-WQARF site PPAs currently constitute approximately 80 percent of the PPA applications. The change in type of site covered by the PPAs has also affected the amount of time required for technical reviews of PPA applications. Because of the statutory requirement to reasonably identify the extent of contamination for non-WQARF sites, additional time is necessary for the review of a non-WQARF site application.

This technical application review is required to determine whether the statutory requirement -- that the Department has been provided sufficient information to reasonably identify the extent of the contamination at the facility -- has been satisfied. A typical application for a non-WQARF site supplies what are referred to by guidelines of ASTM International, formerly the American Society for Testing and Materials, as both Phase I and Phase II environmental site assessment reports. A Phase I report consists of a compilation of existing documents and studies, while a Phase II report involves additional sampling and other investigation beyond existing studies. These reports must be reviewed by a technical expert. Since the Department began delineating WQARF sites as smaller areas, as described above, only one non-WQARF site PPA has been completed within the 30-hour limit reflected in the current fee rule. That site was formerly administered under the federal Resource Conservation and Recovery Act and was reviewed by a hydrologist who was already familiar with the contaminants at the site.

Initial PPA Charge

To adequately take account of these increased costs, this final rule changes the initial charge to \$2,500 for sites that are on the WQARF registry, established and maintained pursuant to A.R.S. § 49-287.01. The hours represented by this initial fee are reflected in Table 1 above. To adequately take account of the increased time and costs required for non-WQARF sites (calculated as an additional 15 hours of hydrologist's time, at an estimated cost of \$1,100), a provision has been added to make the initial charge \$3,600 for a non-WQARF site application. The Department has determined that the hours, related to both sites on the WQARF registry and sites not on the WQARF registry, are reasonably predictable and consistent at this point, based on over six years' experience by the agency in developing prospective purchaser agreements.

Change in Calculation Beyond Initial Charge

The additional charge, for work beyond what was covered by the initial PPA charge, will be calculated at the rate of \$73 per hour for program staff and for the time of an attorney. The Department calculated its hourly rate for program staff by determining the number of billable hours per year attributable to staff engaged in PPA work. As with certain other Department fee rules, such as for the Aquifer Protection Permit fee, or for the declaration of environmental use restriction (DEUR) fee, the Department assumes that staff work 62 percent of total hours (2080 hours per year) on site-specific tasks, or 1290 billable hours per year. Thus, the annual rate was divided by 1290. The single hourly rate (\$73) charged for program staff time needed beyond the initial charge, was calculated using an average of different staff rates, weighted according to the hours reflected in Table 1. Even under this final rule, the Department is mindful that the charge will not account for some overhead costs that are beyond those specific supervisory hours listed in the accompanying economic impact statement. However, the Department is prepared to absorb these additional costs and not charge them as part of the PPA fee.

Pursuant to an interagency agreement, the Department must pay the AGO for attorneys' time spent on the Department's PPAs. The Department projected the hourly rate for AGO time based on current billing rates.

Refinement in Notification When Costs Exceed Initial Fee

The former rule included a provision for the Department's notifying a PPA applicant of any estimated hours over those necessary for the initial review, and for obtaining prior authorization from the applicant before expending excess billable hours. The Department's experience revealed that the former rule requirement, that thirty hours is a cut-off point and anything over that amount of time must be approved in advance, was difficult to administer. Specifically, it was not administratively feasible for the Department to determine in real time when that cut-off point had been reached. Because time sheets are submitted every two weeks, tracking the work hours of a group of people who are working on different parts of the application at the same time, in increments of less than two weeks, was extremely difficult. A hydrologist might spend 20 to 30 hours during a time-sheet period to review detailed technical reports while the legal assistant is reviewing ownership issues and sufficiency of the public benefit during the same period. Furthermore, the work is such that it is usual for a professional to take the necessary time to review a document adequately in its entirety, without stopping in mid-review at some artificial point in time.

Therefore, the final rule includes a refinement to this notification procedure. It specifies that the applicant may agree in writing to pay charges that exceed the initial charge. Unless the applicant has so agreed, the revised procedure provides that, when the Department believes that the costs associated with the PPA have begun to exceed the initial

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charge, the Department shall stop work on the PPA and notify the applicant in writing. The applicant then must notify the Department in writing, within 30 days of the Department's notification under the rule, whether the applicant wishes the Department to continue work on the application and to incur additional costs. The Department will terminate the application if the applicant does not provide written confirmation within 30 days that it wishes the Department to continue work on the application. Pursuant to A.R.S. § 49-285.01, a new application cannot be filed if the original prospective purchaser has become the owner of the subject property.

Non-Refundable Charge for the Costs of a Requested Settlement

Another cost that had not been covered by the original rule is the time spent negotiating a settlement, which a purchaser requested under A.R.S. § 49-285.01. Because no charge had been established for this aspect of a PPA, under the original rule the cost of time spent on this activity was not recovered when negotiations were terminated for some reason before a document was signed. The Department incurs charges from the AGO of about \$6,000 in time spent on typical settlements, if work on them reaches conclusion. Situations where settlement negotiations are terminated earlier impose less, but nevertheless some, costs for the Department. Under this final rule, the Department will collect a reasonable charge when a settlement is requested, to recover minimum costs that it incurs in each case.

The final rule establishes a non-refundable charge for a settlement, with the provision that payment for the remainder of the settlement cost, if any, be included within the terms of the settlement. The initial, non-refundable settlement charge is \$2,000.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

- a. The Appraisal Foundation. 2003. Advisory opinion 9. Uniform Standards of Professional Appraisal Practice, 2003 ed.:143-147.
- b. Jackson, Thomas O. 2001b. The effect of previous environmental contamination on industrial real estate prices. The Appraisal Journal (April): 200-210.
- c. Jackson, Thomas O. 2002b. Environmental contamination and industrial real estate prices. Journal of Real Estate Research 23, nos. 1&2: 179-199.
- d. Jackson, Thomas O. 2003. Appraisal standards and contaminated property valuation. The Appraisal Journal (April): 127-133.

The public may obtain or review these studies by visiting the Department at the address provided in 4 above.

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

Under A.R.S. § 49-285.01, the PPA is an instrument whereby a prospective purchaser obtains an assurance, through a release and covenant not to sue, that the purchaser will not be liable to the state for cleanup of the existing contamination on the site. The PPA is entered into voluntarily by a party who is not responsible for the site contamination and the Department, to facilitate the purchase of the contaminated property. The subject site may include all or part of a WQARF site, under A.R.S. Title 49, Chapter 2, Article 5, or it may involve property that is not a WQARF site.

The Department may provide to a prospective purchaser of a facility a written release and a covenant not to sue for any potential liability for existing contamination under WQARF or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) if, (a) the facility is identified on the WQARF registry or the Department has been provided sufficient information to reasonably identify the extent of the contamination at the facility; (b) the person is not currently liable for an existing or threatened release of a hazardous substance at the facility; and (c) the proposed redevelopment or reuse of the facility will not contribute to or exacerbate existing known contamination or unreasonably interfere with remedial measures necessary at the facility or cause the contamination to present a substantial health risk to the public.

The agreement must provide a substantial public benefit that may include any of the following: (a) substantial funding or other resources to perform or facilitate remedial measures at the facility pursuant to WQARF; (b) the performance of substantial remedial measures at the facility; (c) productive reuse of a vacant or abandoned industrial or commercial facility; (d) development of a facility by a governmental entity or nonprofit organization to address an important public purpose; or (e) creation of conservation or recreation areas. The purchaser will also provide, when appropriate, access to the facility for the Department and others, access to business records concerning contaminants, and a covenant not to sue the state.

Costs and Benefits Not Fully Quantifiable

The Department believes that this final rule's benefits outweigh its costs. This EIS is intended to fulfill the legal requirement for the current rulemaking. To the extent that the increased fee allows ADEQ to continue its PPA program, the costs and benefits of the PPA program are costs and benefits of the increased fee. For this reason, this EIS

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discusses the impact of PPAs, although the initial PPA rulemaking also included an EIS that addressed the costs and benefits of PPAs. In addition, this EIS discusses the impact of the increased fee, as the subject of this rulemaking.

It was not possible to quantitatively estimate the costs and benefits of this rule, or PPAs in general, for taxing subdivisions of the state. The value of PPA-facilitated transactions depends on such unpredictable variables as site selection, real estate market, availability of investment monies and willingness to incur risk. This EIS shows that increased tax revenues are probable, as a result of increased development facilitated by PPAs. Without projecting the value of PPA-facilitated transactions, it is impossible to predict the magnitude of tax revenue increase. Other less quantifiable benefits are also likely. This EIS qualitatively describes the costs and benefits to subdivisions of the state, and attempts to weigh their relative value to determine whether the benefits are likely to outweigh the costs.

It is not possible to quantitatively estimate the costs and benefits of this rule, or PPAs in general, for the general public. Many of the costs and benefits of PPA-facilitated development are non-tangible or non-quantifiable. One of the more easily quantified variables is the value of the services resulting from increased tax revenues. However, even if the magnitude of probable tax revenue increases could be estimated, it is impossible to predict how a municipality may use the tax revenues, and therefore, how much the general public might benefit. This EIS qualitatively describes the costs and benefits to the general public, and attempts to weigh their relative value to determine whether the benefits are likely to outweigh the costs.

A quantitative cost-benefit analysis is not possible for prospective purchasers. This is because the value of a PPA-facilitated transaction is tied to land value, and the value of contaminated property is difficult to assess. This EIS presents research findings to support the foregoing statement, and to provide a qualitative assessment of costs and benefits for prospective purchasers.

A.R.S. § 41-1055(B) REQUIREMENTS FOR AN EIS

B (2) PERSONS DIRECTLY AFFECTED BY THE RULE

Persons directly affected by the rule are:

1. State agencies involved in preparing PPAs,
2. Political subdivisions of the state,
3. Prospective purchasers of WQARF Registry List and other sites,
4. Newspapers of general circulation in the county where the property is located,
5. The general public, and
6. Responsible parties as defined under A.R.S. § 49-283.

B (3) COST-BENEFIT ANALYSIS

B (3)(a)(1) COSTS TO THE IMPLEMENTING AGENCY – One-time costs to the Department for this amendment include the cost of the rulemaking process, and the initial costs of adjusting accounting and billing procedures to reflect the new rates. The Department does not track the time it takes for individual rulemakings. The Department estimates that the cost for staff time to promulgate a typical rule could range from \$4,001 to \$15,672. A typical rule is one such as this rule, which is non-controversial, of average complexity, and follows the standard rulemaking process. This range does not include non-staff costs such as copies, supplies, postage, transportation to meetings, or phone calls, nor does it include non-Department costs, such as the costs to the Governor's Regulatory Review Council and the Secretary of State.

The Department estimates it will take an Information Technology Specialist III (grade C3) approximately 160 hours to program the billing software needed to implement this rulemaking. The mid-range hourly cost for a grade C3 is approximately \$69.00 per billable hour. The approximate cost for 160 hours is \$11,040. This cost was not accounted for in calculating the amount of the fee.

After the changes are made, there may be some additional costs associated with increased questions from potential applicants regarding the PPA. The Department cannot predict the number of inquiries that may be received, or the staff position that might be required to answer a question. Therefore, the Department cannot estimate the potential costs of such inquiries.

The Department's costs for PPAs include staff time required to administer and provide a technical review of the agreement. The Remedial Projects Section of the Department's Waste Programs Division has determined that it will take approximately 34 hours of program staff and attorney time to put together a typical PPA based upon the model agreement for a property within a WQARF site. These costs, which are already being accrued, were used to calculate the new fee. They are costs of this rule because the fee increase supports the ongoing operation of the PPA program.

The initial charge, which is rounded from \$2,474.34 to \$2,500, is intended to pay the costs for 34 hours of program staff and attorney time, which is anticipated to be adequate for a typical WQARF site PPA based on the model agreement. Non-WQARF sites will be assessed an additional non-refundable \$1100 initial charge (rounded from \$1,109.70) to pay for the 15 additional hours hydrologists spend reviewing site documents presented to define the

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extent of contamination. This additional time for non-WQARF sites will be needed because there is less prior analysis completed than for WQARF sites. The rates used to calculate the initial charge were based on the average of staff time and salaries, as of July 1, 2005, of the positions typically assigned to do the work (the total cost includes employee benefits and indirect costs). Time spent on the application beyond the initial 34 hours (or 49 hours for non-WQARF sites) for program personnel and attorney time will be billed at the rate of \$73 per hour (rounded from \$72.74). The cost information was supplied by the Department's Financial Services Section for Department costs, and by the AGO regarding the projected amount that agency reports to the Department.

BENEFITS TO THE DEPARTMENT -- The Department has no incremental economic benefits as a result of this rule. The applicant pays the fee calculated to reimburse the Department for its costs; no profit margins are included. The fee does provide the Department with funds needed to pay for the PPA administration and processing, part of which cost the Department is currently absorbing. The increase in the fee will give the Department more money for resources it needs to fulfill its mission. Non-economic benefits to the Department result because this fee increase supports the PPA program which supports the Department's mission.

B (3)(a)(2) COSTS TO THE AGO -- There are no incremental costs to the AGO as a result of this amendment, because, under an Inter-agency Service Agreement (ISA), the Department must reimburse the AGO at the rate in the ISA, whether or not the PPA fee was increased.

BENEFITS TO THE AGO -- There are no incremental economic benefits to the AGO, because the rate used by the AGO as agreed to in the ISA does not include a profit margin. The AGO realizes non-economic benefits by fulfilling its mission.

B (3)(b) COSTS TO POLITICAL SUBDIVISIONS -- If any agency or political subdivision of the state applies for a PPA, the applicant will have to pay all applicable charges; there is no provision in law to waive or discount charges for agencies or political subdivisions of the state.

BENEFITS TO POLITICAL SUBDIVISIONS -- The public benefit associated with a PPA is an important part of the PPA statute. The statute specifically lists five possibilities: funding, remediation, productive reuse of vacant or abandoned property, a facility for a public purpose, or creation of a conservation or recreation area. Benefits to an agency or political subdivision of the state that applies for a PPA depend on the reasons for the PPA. If the PPA will enable site development to address an important public purpose, the benefits accrue from achieving that purpose.

Property value is likely to change as a result of using a PPA. These benefits and drawbacks are equally applicable to public and private entities who use a PPA as part of a site development strategy. As such, the discussion on property value changes is located in the next section that addresses the costs and benefits to private entities.

To the extent that PPAs facilitate development, municipalities and subdivisions benefit from increased revenues. Municipalities and taxing subdivisions of the state benefit from PPA-facilitated development by gaining property and transaction taxes. With greater tax revenues, municipalities and subdivisions will be more able to fund critical services.

Because PPAs are used for land transactions, many of which are preludes to development, PPA-facilitated transactions are most likely to apply to under-used properties, which have a potential for providing a higher income than they currently do. Many could be vacant and blighted, serving as a venue for crime and an environmental hazard beyond that posed by the contamination, due to debris and disrepair. Using private enterprise to improve these sites reduces potential costs to the municipality. Developing an under-used site may increase the need for some public services, such as street lamps and road repair. The costs associated with the increased service demand are expected to be more than offset by the increased tax revenues.

B (3)(c)(i) COSTS TO APPLICANT PRIVATE BUSINESSES -- The economic benefits of a PPA may outweigh the costs for some sites, but for others, the costs may exceed the benefits. Many variables could impact this balance, including the property's characteristics and location, its proposed use and the business acumen of the prospective purchaser. Projecting the costs and benefits of a PPA for even one transaction is very difficult, because many of these features are beyond the Department's control and ability to predict. Projecting the aggregate costs and benefits for future PPAs is impracticable. However, the Appraisal Foundation Advisory Opinion 9 (AO-9) (2003) points out that "liabilities and potential liabilities for site cleanup" is one consideration in appraising property value for contaminated sites, suggesting that reducing those liabilities might increase property value.

In the continuum from contaminated properties that are not cleaned up or re-developed to those for which remediation is achieved by complete removal of the contamination, sites re-developed with a PPA would seem to occupy a mid-point. On the one hand, there is more certainty conveyed by the PPA with regard to the liability for future remediation costs. On the other hand, the site still has contamination in place that may or may not be addressed after the property is developed.

Private businesses will apply for a PPA if it appears that the PPA's economic benefits will exceed its costs. The set cost of a PPA is the initial charge. Other costs required to comply with the rules and statute are per-hour charges for Department and AGO staff time beyond the time covered by the initial charge, and the charge for the public notice. The amount of this latter cost depends on the specific newspaper involved. Additional costs not included in the fee are the costs incurred by the prospective purchaser in negotiating a PPA, (e.g. attorney costs) and potential property value diminution.

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Regarding the potential cost of property value diminution, one can refer to the research literature. Some research could suggest that the PPA execution process itself may lead to property value diminution. Conversely, a PPA usually is executed after information already has become known about contamination on the property, therefore, such diminution, if it occurred, often is not attributable to the PPA.

Jackson (2003) provides a formula for property value diminution of a contaminated property, as presented in Figure 1. The “cost effects” associated with a PPA include the cost for site characterization, and may include the costs of ongoing monitoring or treatment that might be conducted on property that is the subject of a PPA. “Cost effects” will vary depending on the complexity of the site, type of contamination, and size of the release, and cannot be estimated with certainty.

Figure 1.

$\begin{aligned} \text{Property Value Diminution} = & \\ & \text{Cost Effects (Remediation and Related Costs)} + \\ & \text{Use Effects (Effects on Site Usability)} + \\ & \text{Risk Effects (Environmental Risk/Stigma)} \end{aligned}$
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“Use effects” are the opportunity costs of restricted use of the site, as noted in AO-9 (referenced above). One “use effect” includes the loss of potential uses of the property due to remedial action requirements such as maintenance of a well or cap or a use restriction covenant. A PPA may be viewed as increasing potential use over a contaminated site, or as restricting property use when compared to a site that no longer has any contamination at all.

The “risk effects” consist of environmental risk and stigma. Because one component of environmental risk is liability for cleanup, and the PPA reduces that liability, the PPA reduces environmental risk. In Jackson’s model, reducing environmental risk should reduce property value diminution. Estimating the effects of cost, use, and risk is difficult and often requires specialized valuation methods and techniques that are beyond the capabilities of the Department.

BENEFITS TO APPLICANT PRIVATE BUSINESSES – The Department believes that, in the aggregate, benefits of this rule, and of PPAs in general, outweigh the costs. Cleaning up contaminated sites is typically very expensive, several millions of dollars in some cases. The cost of developing property is likewise relatively expensive, when compared to the costs of a PPA. Even using the increased fees in the final rule, the charges the applicant pays for a PPA are small when compared to the overall project budget or to the potential cost of WQARF liability for cleanup costs. Because the PPA is entirely voluntary, the prospective purchaser must weigh the charges and other costs of a PPA against the projected benefits of a project when making business decisions.

The major benefit a prospective purchaser derives from a PPA is the reduced liability for future cleanup costs, and any resulting economic benefits. According to Jackson (2001b), these benefits are most pronounced for commercial and industrial properties, rather than for residential properties. Because most PPAs are for commercial and industrial properties, this EIS is based on an analysis of the research related to commercial and industrial properties. The effects for residential properties are assumed to be similar in direction, but less in magnitude.

Benefits to a seller or a potential purchaser might include increased property market value. For a potential purchaser, benefits might be reduced transaction and borrowing costs and increased property income. These benefits are for a site as compared to its previous uncharacterized and undeveloped state. The Department believes it is logical to assume that a property with a PPA is increased in value over an unremediated site, but decreased compared to a site with complete removal of the contaminant.

In balancing costs and benefits of PPAs, the Department relies on the business community, and its decisions as governed by market influences. The Department assumes that if PPAs make investment worthwhile, then purchasers will negotiate PPAs. Pointing to the 26 PPAs that the Department has signed since 1996 (as of September 1, 2005), it appears that the benefits of a PPA outweighed the costs, at least for those parties and at the previous fee.

B (3)(c)(2) COSTS TO NEWSPAPERS -- Newspapers will be impacted by this rule because the statute requires that a legal notice be published in a newspaper of county-wide circulation where the site is located. There are no costs to newspapers required by this rule.

BENEFITS TO NEWSPAPERS -- Newspapers will benefit from revenues received for publishing legal public notices. Publication charges vary from newspaper to newspaper. Charges are typically based on how many lines or column inches of copy are required.

The Department projects that the next five years will see the same number of PPA applications each year as there have been to date. The Department further assumes that the PPA sites will have the same geographic distribution as the applications received to date. Based on these assumptions, ADEQ projects there will be 35 sites in Maricopa County, 7 in Pima County, and 3 in other counties. Approximately 45 notices are expected over the next five years,

resulting in estimated revenues ranging between about \$1,900 and \$38,000 (based on rates as of July 1, 2005), depending primarily on which paper would be used for the public notices in Maricopa County.

B (4) IMPACTS ON PUBLIC AND PRIVATE EMPLOYMENT

There are no impacts on public or private employment anticipated by this amendment; the amendment itself will not create new jobs or destroy existing ones. However, to the extent that a PPA accelerates the return to productive use of a site that is now under-used, employment opportunities would be generated for the Arizona labor force. This is because private businesses could be set up on these sites. This would be an intended and beneficial consequence of this rule. Any new jobs created by businesses that may be established, expanded or relocated will be the result of private business decisions. The rule facilitates the acquisition of a previously contaminated site, presumably to return the property to its full economic use. Aside from the employment benefits, other benefits in the form of income taxes to be paid by the employees, property taxes, sales, unemployment and other taxes to be paid by the employer will accrue to various levels of government. These benefits might increase funds available for taxing entities to hire staff, thereby indirectly improving employment opportunities. Existing Department and AGO staff will handle the processing of PPAs; therefore, no new public sector employment positions are anticipated as a direct result of this amendment.

B (5) IMPACTS ON SMALL BUSINESSES

B (5)(a) SMALL BUSINESSES SUBJECT TO THE RULE -- Some of the applicants for PPAs could be small business owners. The Department acknowledges that, in some instances where an individual or small business would seek to purchase a potentially contaminated property, the increased fee may amount to a marginally increased disincentive to that entity, in addition to purchasing the property, also applying for a PPA related to that purchase. It thus may reduce the number of PPA applications, and perhaps could affect the sale of such property. However, the increase in the fee reflects increases in the costs that the Department is incurring, and thus is consistent with the purpose of the authorizing statute. Furthermore, the statute provides no basis for recovering costs from some parties, but not from others.

Because of this, the Department has not tried to determine the number of PPA applicants, newspapers, and other entities affected by the rule that might be small businesses. The PPA is purely voluntary. There is no requirement for a business to obtain a PPA. If a business cannot afford the charges, it will choose, as a business decision, not to apply for a PPA.

The charges are expected to be a small part of development costs. The Department does not expect that the incremental increase in costs due to the charges, even at increased rates, will be a determining factor in the decision of whether to develop a site. In general, if a business (small or otherwise) can afford to purchase and develop a contaminated site, it can afford the increase in charges from this amendment.

B (5)(b) ADMINISTRATIVE COSTS -- There are no administrative costs to small and other businesses except the increased fee.

B (5)(c) REDUCTION OF IMPACT ON SMALL BUSINESSES -- The authorizing statute for the PPA fee does not provide a basis for promulgating a fee for small businesses that does not cover the Department's costs, and that is different from the fee charged to other entities for the same services. Furthermore, the voluntary nature of the PPA makes such an adjustment unnecessary.

B (5)(d) COSTS AND BENEFITS TO PRIVATE PERSONS -- A city or other political subdivision that applies for a PPA could possibly pass on the costs of charges to its residents. It is also possible that these costs could be readily absorbed by its existing budget. Either way, local taxpayers will pay. Another potential cost is the public health risk associated with possibly leaving contamination in the environment. The Department believes that generally this risk is low because site conditions and contaminant characteristics are reviewed before the Department issues a PPA. This review is intended to establish that public health will not be threatened. The Department reviews each PPA on a case-by-case basis to determine whether the agreement will provide a substantial public benefit. The Department believes these potential costs are minimal when considered in relation to the benefits that could result.

Private persons could realize a substantial benefit from the facilitation of a process whereby a contaminated property is brought back to full economic use. Redevelopment benefits the local community by reducing environmental hazards, creating new business opportunities and reducing blight. Contaminated sites may be located near potential markets and labor, in which case their redevelopment may be less expensive than developing previously undeveloped land because roads and infrastructure are already in place.

Because the PPA applicants will pay charges to cover some of the costs that the Department has been absorbing, the taxpaying public will experience a diminished burden of providing services that will benefit specific groups. Even under the amended rule, the Department is mindful that the fee would not account for some overhead costs. However, the Department is prepared to absorb these additional costs and not charge them as part of the PPA fee.

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B (6) PROBABLE EFFECTS ON STATE REVENUES

No new state revenues are projected. Charges to be paid to the Department are intended for cost recovery.

B (7) LESS INTRUSIVE OR LESS COSTLY ALTERNATIVES

The statute permits the Department to charge "a reasonable fee" for providing the service. No less intrusive or less costly alternatives were authorized by the legislature or contemplated by the Department.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Only minor grammatical or formatting changes were made between the proposed and final rule.

11. A summary of the comments made regarding the rule and the agency response to them:

No comments were made regarding the rule.

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

None

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 18. ENVIRONMENTAL QUALITY

CHAPTER 7. DEPARTMENT OF ENVIRONMENTAL QUALITY
REMEDIAL ACTION

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

Section

R18-7-301. Prospective Purchaser Agreement Fees Fee

ARTICLE 3. PROSPECTIVE PURCHASER AGREEMENT

R18-7-301. Prospective Purchaser Agreement Fees Fee

- A. ~~A person entering into~~ An applicant for a prospective purchaser agreement with the Department ~~pursuant to~~ under A.R.S. § 49-285.01 shall pay to the Department the ~~fees~~ fee prescribed in this Article. The Department shall not refund a fee once it accepts an application.
- B. ~~A person~~ An applicant for a prospective purchaser agreement shall ~~remit~~ pay a ~~review~~ fee for each prospective purchaser agreement application submitted to the Department for review. The ~~review~~ fee ~~shall consist of all of the following includes:~~
1. ~~An initial fee charge~~ as prescribed in subsection (C);
 2. ~~An hourly fee charge~~, if the conditions of subsection (D)(1) apply;
 3. The publication costs for the legal notice as prescribed in subsection ~~(E)~~ (F); and
 4. ~~A charge, as prescribed in subsection (D)(2), if an applicant requests a settlement.~~
- C. ~~The Department shall charge~~ An applicant shall pay an initial ~~fee charge~~ of \$900 \$2,500 for an application for a prospective purchaser agreement requiring minimal review for property within a site that is listed in the Water Quality Assurance Revolving Fund (WQARF) registry under A.R.S. § 49-287.01. For property that is not on the WQARF registry, an applicant shall pay an initial charge of \$3,600 for an application for a prospective purchaser agreement. The initial fee charge covers direct and indirect Departmental technical review time and direct and indirect Department administrative costs. A An application for a prospective purchaser agreement requiring minimal review is one which that requires 30 34 or fewer hours of review time spent by the Department for a site on the WQARF registry or 49 or fewer hours for a site not on the WQARF registry.
- D. In addition to the initial ~~fee charge~~ described above in subsection (C), the Department applicant shall charge a fee of \$30 ~~per hour~~ pay the following charges, if applicable:
1. An hourly charge for its review of reviewing a prospective purchaser agreement which that requires more than 30 the hours of for Departmental review and shall charge a legal review fee for any prospective purchaser agreement which

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~~requires legal review by the Attorney General, covered by the initial charge in subsection (C). The additional charge is \$73 per hour for Department staff time and Assistant Attorney General time.~~

2. ~~A charge in the amount of \$2,000, to accompany a request for a settlement that includes immunity from contribution claims for existing contamination, if requested under A.R.S. § 49-285.01. If costs for the settlement exceed \$2,000, the remainder of the costs will be paid for through the terms of the settlement.~~

~~The Department shall notify the applicant of any estimated hours over those necessary for the initial review, and whether any legal review is required. The Department shall obtain written authorization from the applicant before expending any billable hours in excess of 30.~~

- E. ~~The applicant may agree in writing to pay charges that exceed the initial charge described in subsection (C). Unless the applicant has so agreed, when the Department believes that the costs associated with the prospective purchaser agreement have begun to exceed the initial charge, the Department shall stop work on the prospective purchaser agreement and notify the applicant in writing. The applicant shall notify the Department in writing, within 30 days of the Department's notification under this subsection, whether the applicant wishes the Department to continue work on the application and to incur additional costs. The Department shall terminate the application if the applicant does not provide written confirmation within 30 days that it wishes the Department to continue work on the application.~~

- ~~E.~~F. The Department shall publish a legal notice announcing an opportunity for public comment on the prospective purchaser agreement. The legal notice shall include:

1. ~~a~~ A general description of the contents of the agreement;
2. ~~the~~ The location where information regarding the agreement can be obtained;
3. ~~the~~ The name and address of the ~~Departmental~~ Department contact where comments may be sent; and
4. ~~the~~ The time and date that the comment period closes.

- ~~F.~~G. The initial ~~fee~~ charge described in subsection (C) is due when the applicant submits the prospective purchaser agreement ~~is submitted for review~~ application to the Department. The publication cost specified in subsection (B)(3), and any hourly ~~fees~~ charge described in subsection (D)(1), are due within 30 days of ~~billing~~ the date the invoice is sent by the Department. ~~Review fees~~ Fee charges are payable to the state of Arizona, and shall be paid in full before ~~the Department executes~~ a prospective purchaser agreement ~~is executed~~.

NOTICE OF FINAL RULEMAKING

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

[R06-12]

PREAMBLE

1. **Sections Affected** **Rulemaking Action**
R19-3-101 Amend
2. **The statutory authority for the rulemaking, including both the authorizing statute (general) and the statutes the rules are implementing (specific):**
Authorizing statute: A.R.S. § 5-504(B)
Implementing statutes: A.R.S. §§ 5-504(B), 5-509, and 5-523
3. **The effective date of the rules:**
March 11, 2006
4. **A list of all previous notices appearing in the Register addressing the final rule:**
Notice of Rulemaking Docket Opening: 11 A.A.R. 1028, March 4, 2005
Notice of Proposed Rulemaking: 11 A.A.R. 3945, October 14, 2005
5. **The name and address of agency personnel with whom persons may communicate regarding the rulemaking:**
Name: Art Macias, Executive Director
Address: Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034
Telephone: (480) 921-4505
Fax: (480) 921-4488

Notices of Final Rulemaking

E-mail: amacias@azlottery.gov
Or
Name: Pam Scharon, Budget Manager
Address: Arizona State Lottery
4740 E. University Dr.
Phoenix, AZ 85034
Telephone: (480) 921-4489
Fax: (480) 921-4425
E-mail: pscharon@azlottery.gov

6. An explanation of the rule, including the agency's reason for initiating the rule:

Article 1 provides general definitions for the Arizona Lottery's rules. The rulemaking defines terms specific to the Lottery industry to enable the public to better understand the rules. The amended rule removes outdated terminology and adds new language as necessary for greater clarification.

7. A reference to any study relevant to the rule that the agency reviewed and either relied on in its evaluation of or justification for the rule or did not rely on in its evaluation of or justification for the rule, where the public may obtain or review each study, all data underlying each study, and any analysis of each study and other supporting material:

None

8. A showing of good cause why the rule is necessary to promote a statewide interest if the rule will diminish a previous grant of authority of a political subdivision of this state:

Not applicable

9. The summary of the economic, small business, and consumer impact:

This rulemaking is intended to clarify existing rules by defining terms specific to the Lottery industry and terms found elsewhere in Title 19, Chapter 3. The Lottery anticipates this rule will mainly affect Lottery retailers, contracted vendors, and players but is not expected to have an economic impact on these stakeholders.

A. *Businesses Directly Affected by this Rulemaking.* Lottery retailers and contracted vendors are the only businesses directly impacted by this rule. The definitions contained in this Article will assist retailers and contractors in understanding Lottery rules applicable to their operations.

There are approximately 2600 retailers that sell Lottery products. There are occasions when a retailer may need to return tickets, such as when the Lottery ends a particular instant ticket game. The Lottery previously only allowed returns on full packs of tickets, but now allows returns on partial packs. This rulemaking clarifies that a partial pack of tickets means "less than a complete pack" rather than an "open pack" of tickets. This change is consistent with revised retailer rules (Title 19, Chapter 3, Article 2) and facilitates the return process for Lottery retailers.

The Lottery currently has four instant ticket contractors and one on-line game contractor. The instant ticket contractors provide services that relate to the Lottery's instant ticket product. The on-line contractor has responsibility primarily for the Lottery's on-line game system, but prizes for both the instant ticket and on-line game products are redeemed using the on-line contractor's equipment. Either type of contractor is available to respond to retailer needs depending on the issue. For clarification purposes, this rulemaking includes definitions for both "instant contractor" and "on-line contractor."

B. *Consumers and the Public.* There are no costs to the public associated with this rulemaking. Definitions for "prize fund" and "prize pool" were added to the rule since these terms are pertinent to Lottery operations and are used in the Lottery's rules for on-line games (Title 19, Chapter 3, Article 4). The definition of terms that are somewhat technical in nature, or terms that are common to the lottery industry will assist players in understanding how to play Lottery games and claim winning prizes.

This rulemaking is informational in nature and will not have any identifiable economic impact on the Lottery, political subdivisions of the state, private and public employment, the general public, or state revenues.

10. A description of the changes between the proposed rules, including supplemental notices, and final rules (if applicable):

Minor technical and grammatical changes were made at the request of G.R.R.C. staff. There are no substantive changes between the final rule and the proposed rule.

11. A summary of the comments made regarding the rule and the agency response to them:

No oral or written comments were received regarding the rule.

Notices of Final Rulemaking

12. Any other matters prescribed by statute that are applicable to the specific agency or to any specific rule or class of rules:

Not applicable

13. Incorporations by reference and their location in the rules:

None

14. Was this rule previously made as an emergency rule?

No.

15. The full text of the rules follows:

TITLE 19. ALCOHOL, HORSE AND DOG RACING, LOTTERY, AND GAMING

CHAPTER 3. ARIZONA STATE LOTTERY COMMISSION

ARTICLE 1. GENERAL

Section

R19-3-101. Definitions

ARTICLE 1. GENERAL

R19-3-101. Definitions

In this Chapter, unless the context otherwise requires:

1. "Act" means Title 5, Chapter 5, Article 1 of the Arizona Revised Statutes.
2. "Controlling agent" means ~~any of the retailer's substantial stockholders, a stockholder, directors, director, officers~~ officer, managerial ~~employees~~ employee, or other ~~persons~~ person directly or indirectly controlling or operating the retailer's business.
3. "Instant contractor" means an entity that has a contract with the Lottery to perform the essential functions that support the daily operation of the instant Lottery games.
- 3.4. "On-line contractor" means ~~a person employed by~~ an entity that has a contract with the Lottery to ~~conduct~~ perform the essential functions that support the daily operation of the ~~On-line~~ on-line and instant Lottery games.
- 4.5. "Partial pack of tickets" means ~~an open pack~~ less than a complete pack of consecutively numbered and connected tickets. If a pack is broken into individual tickets, each individual ticket ~~shall be~~ is considered a partial pack.
6. "Prize fund" means the state trust fund that contains money transferred from all Lottery game sales to be used for Lottery game prizes.
7. "Prize pool" means a percentage of the prize fund designated for an individual Lottery game's prizes.
- 5.8. "Retailer" means ~~a person who has been licensed by the Commission to sell lottery tickets~~ provider of sales and redemptions services for Lottery products.
6. "Substantial stockholder" means any person holding a sufficient amount of any class of stock or securities to create a controlling interest in the business.
- 7.9. "Ticket" means ~~a lottery ticket issued by the State Lottery for sale to the general public~~ one or more Lottery game plays.